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OF THE
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SECOND SESSION

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LINCOLN, NEBRASKA

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by

VINCENT D. BROWN, CLERK

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LEGISLATURE

MEMBERS

Dist.	Name	Address	Occupation	Counties
1	Irving F. Wiltse	Falls City	Retired retailer, Farmer	Gage, Nemaha, Pawnee, Richardson
2	Calvin F. Carsten	Avoca	Farmer	Cass, Johnson, Otoe
3	Orval A. Keyes	Springfield	Farmer	Sarpy
4	Richard M. Fellman	Omaha	Lawyer	Douglas
5	Eugene T. Mahoney	Omaha	Public Relations, Insurance	Douglas
6	Harold T. Moylan	Omaha	Real Estate	Douglas
7	William R. Skarda	Omaha	Public Relations, Insurance	Douglas
8	David H. Stahmer	Omaha	VP Industrial Electric	Douglas
9	John J. Cavanaugh, III	Omaha	Lawyer	Douglas
10	John S. Savage	Omaha	Ex. Dir. Omaha Press Club	Douglas
11	Ernest Chambers	Omaha	Barber	Douglas
12	Richard E. Proud	Omaha	Lawyer	Douglas
13	George Syas	Omaha	Machinist, U.P. Railroad	Douglas
14	Duke Snyder	Omaha	Public Relations	Douglas
15	E. Thorne Johnson	Fremont	Farmer, Businessman	Dodge
16	Blair K. Richendifer	Walthill	Funeral Director	Burt, Cumming, Thurston, Washington
17	John R. Murphy	So. Sioux City	Plumbing, Banking, Farming	Dakota, Dixon, Wayne
18	W. H. Hasebroock	West Point	Merchant	Colfax, Cumming, Dodge, Stanton
19	J. W. Burbach	Crofton	Farmer, Grain & Feed Dlr.	Cedar, Knox, Pierce, Wayne

MEMBERS

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Dist.	Name	Address	Occupation	Counties
20	Glenn A. Goodrich	Omaha	Real Estate Developer	Douglas
21	Thomas C. Kennedy	Newman Grove	Farmer, Businessman	Madison, Pierce
22	Herb Nore	Genoa	Farmer, Businessman	Boone, Nance, Platte
23	Loran Schmit	Bellwood	Farmer	Butler, Platte, Polk, Saunders
24	Walter H. Epke	York	Farmer, Livestock Feeder	Polk, Seward, York
25	Jerome Warner	Waverly	Farmer, Hereford Cattle	Cass, Johnson, Lancaster, Otoe, Saunders
26	Wally Barnett, Jr.	Lincoln	Salesman	Lancaster
27	Steve Fowler	Lincoln		Lancaster
28	Roland A. Luedtke	Lincoln	Lawyer	Lancaster
29	Shirley Marsh	Lincoln	Homemaker	Lancaster
30	Fred W. Carstens	Beatrice	Attorney	Gage, Jefferson, Saline
31	James A. Dickinson	Omaha	Farmer, Feeder	Douglas
32	Richard Maresh	Milligan	Farmer	Fillmore, Jefferson, Saline, Thayer
33	Richard D. Marvel	Hastings	Professor	Adams
34	Maurice A. Kremer	Aurora	Businessman, Farmer	Clay, Hamilton, Merrick, Nuckolls, Polk
35	Ralph D. Kelly	Grand Island	Business	Hall
36	Gerald A. Stromer	Kearney	Educator	Buffalo, Hall
37	Gary L. Anderson	Axtell	Writer	Buffalo, Franklin, Kearney, Nuckolls, Webster
38	Richard Lewis	Holbrook	Stockman	Frontier, Furnas, Gosper, Harlan, Hayes, Red Willow

MEMBERS

Dist.	Name	Address	Occupation	Counties
39	Herbert J. Duis	Gothenburg	Real Estate, Insurance	Buffalo, Dawson, Phelps
40	John W. DeCamp	Neligh	Attorney, Businessman	Antelope, Boone, Boyd, Holt
41	Dennis L. Rasmussen	Scotia	Farmer, Rancher	Custer, Garfield, Greeley, Hall, Howard, Loup, Sherman, Valley, Wheeler
42	J. James Waldron	Callaway	Attorney	Custer, Lincoln
43	Otho G. Kime	Valentine	Retired	Blaine, Brown, Cherry, Custer, Hooker, Keya Paha, Logan, McPherson, Rock, Thomas
44	Ramey C. Whitney	Chappell	Farmer	Arthur, Chase, Deuel, Dundy, Garden, Hayes, Hitchcock, Keith, Perkins
45	Frank Lewis	Bellevue	Teacher	Sarpy
46	Harold D. Simpson	Lincoln	Milling Employee	Lancaster
47	Robert L. Clark	Sidney	Merchant	Banner, Cheyenne, Kimball, Morrill, Scotts Bluff
48	Terry Carpenter	Scottsbluff	Businessman	Scotts Bluff
49	Leslie A. Stull	Alliance	Farmer, Stockman	Box Butte, Dawes, Grant, Sheridan, Sioux

Clerk

Vincent D. Brown Lincoln

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RULE 1—OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers To Be Elected. At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairman of Committee on Committees
Chairman of Executive Board
Vice-Chairman of Executive Board
6 Members of Executive Board (See Footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from legislative districts Nos. 1, 2, 15, 16, 23 to 30, 32 to 35, and 46; two from legislative districts Nos. 3 to 14, 20, 31, and 45; and two from legislative districts Nos. 17 to 19, 21, 22, 36 to 44, and 47 to 49. Speaker member of Board; the Chairman of Appropriations is nonvoting member; RRS 50-401.01.

Sec. 2. Officers To Be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant-at-Arms
Chaplain

*Officers and employees recommended by the Executive Board,
RRS 50-111.*

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

RULE 1

Sec. 4. Officers Oath. Each permanent officer shall take an oath to support the Constitution of the United States, and the Constitution of the State of Nebraska, and to discharge faithfully the duties of his office according to the best of his ability.

B. Presiding Officer

Sec. 5. President of Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated or shall act as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he may preside.

*Prohibited from presiding when acting as Governor. Const. Art.
III, Sec. 10.*

Duties and powers. Sec. 50-113

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

- Chairman of the Legislative Council
- Chairman of the Committee on Committees
- Chairman of Committee on Judiciary
- Chairman of Committee on Government, Military and
Veterans Affairs
- Chairman of Committee on Appropriations
- Chairman of Committee on Revenue
- Chairman of Committee on Education
- Chairman of Committee on Banking, Commerce and
Insurance
- Chairman of Committee on Public Works
- Chairman of Committee on Agriculture and Environment
- Chairman of Committee on Public Health and Welfare
- Chairman of Committee on Miscellaneous Subjects
- Chairman of Committee on Labor
- Chairman of Committee on Urban Affairs
- Chairman of Committee on Constitutional Revision
and Recreation

Emergency Succession Sec. 50-503 (7)

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer,

except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.

Addressing the Chair. Rule 2, Sec. 7, page 9.

Duties Sec. 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment. When possible the order for delegation of the presiding officer shall be as set forth in Sec. 6, *supra*.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a call of the Legislature.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter Chamber. Rule 2, Sec. 3, page 8.

Sec. 12. President Decide Order of Speaking. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to an appeal to the Legislature by any member, on which appeal no member may speak more than once, unless by leave of the Legislature. A majority of the elected members may overrule the chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business all bills and resolutions passed by the Legislature. All writs, warrants and subpoenas issued by order of the Legislature shall be under his hand and seal, and attested to by the Clerk.

RULE 1

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his office.

Distribution of material by Clerk. Rule 2, Sec. 3f, page 9.

Excuse attendance at committee hearing. Rule 2, Sec. 4, page 9.

Power to refer bill back to committee. Rule 6, Sec. 2g, page 29.

Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. The Speaker with the approval of the Executive Board shall report to the Legislature the order in which bills and resolutions shall be considered on General File. His orders as approved are final unless changed by a majority vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

For motions to expedite. Rule 6, Sec. 2c, page 28.

D. Clerk of the Legislature

Sec. 17. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll and keep Journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of Bills. Rule 5, Sec. 3, page 22.

(c) The Clerk of the Legislature shall make a detailed and itemized report to the Legislature each month concerning the number of employees and the amount paid for their services, especially setting out the amount of regular time and overtime, and to whom paid.

(d) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(e) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Reference Committee.

General Duties. RRS 50-114

Distribute material, when authorized. Rule 2, Sec. 3f, page 9.

Fiscal notes, attach to bills. Rule 5, Sec. 6d, page 25.

Lobby Registration. RRS 50-308 to 50-318.

File Administrative Rules, RRS 84-904.

Sec. 18. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any, are made the journal shall stand approved without motion.

For order. Rule 7, Sec. 1b, page 35.

(b) The Clerk shall enter in the daily journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition and memorial or other paper presented for the consideration of the Legislature.

Constitutional Amendment-print in full. Const. Art. XVI. Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily journal.

(d) All amendments for which a vote is taken shall be entered in the daily journal.

(e) Additional copies of the daily journal, to be mailed at his direction shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(f) The bound journal of the session shall be prepared from the corrected daily journal.

(g) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed and preserved, under the direction of the Clerk.

RULE 1

(h) A list of lobbyists who are registered shall be set forth in the journal.

RRS 50-310.

On Registration of lobbyists. RRS 50-308 to 50-318.

Sec. 19. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all of the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115

E. Other Offices

Sec. 20. Sergeant-at-Arms. (a) The Sergeant-at-Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the Legislative Chamber.

RRS 50-116

(b) The Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant-at-Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance at committee hearing. Rule 2, Sec. 4, page 9.

Sec. 21. Chaplain. The Chaplain shall attend and shall open with prayer each day's sitting of the Legislature.

RRS 50-120

Sec. 22. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Sec. 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill. The Executive Board shall submit a salary schedule the first day of each session to the Legislature for all temporary employee positions. Such salary

RULE 1

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schedule shall be considered adopted unless rejected or amended by a majority of the elected members. No further adjustments in individual salaries for temporary employees need to be submitted to the Legislature for that session.

RRS 50-112

RULE 2—RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. These rules shall govern the Legislature. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

*Overruling the Chair. Rule 1, Sec. 12, page 3.
Presiding officer, duties. RRS 50-113.*

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The Legislative Chamber shall consist of the entire floor of the Legislative Chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

- (i) Members of the Legislature and their immediate families,
- (ii) Officers and employees of the Legislature,
- (iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) The Governor, state officers, former legislators and other distinguished visitors may be admitted to the floor upon permission from the chair.

State officials appearing before committees. Rule 3, Sec. 6, page 12.

(d) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one shall be permitted to be seated beside members of the Legislature.

(e) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(f) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the Legislative Chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(g) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the Legislative Chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he is a member, unless excused by the Legislature, the Speaker, or the committee chairman. Members who have been excused by the Legislature or the Speaker shall notify their committee chairman that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant-at-Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Absent members may have inserted into the Journal how he would have voted had he been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he shall rise from his seat and respectfully address himself to "Mr. President." A member shall speak only when recognized and shall confine himself to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he may yield to

a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his discretion. Those individuals and groups not introduced may be inserted in the journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the rules of the Legislature, the presiding officer shall, or any member may, call him to order, in which case he shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed, but not otherwise, and if the case requires it, he shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. No member shall speak more than twice, nor for more than ten minutes on each occasion, upon any one question in debate during the same legislative day, without leave of the Legislature, except in explanation, unless he be the mover, proposer or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3—COMMITTEES

Section 1. Standing Committees Defined. All committees with regular meeting times shall be identified as Standing Committees. The membership of all Standing Committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

Sec. 2. Standing Committees, Permanent. The Standing Committees and the number of members shall be as follows:

Agriculture and Environment	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Constitutional Revision and Recreation	7 members
Education	8 members
Government, Military and Veterans Affairs	8 members
Judiciary	8 members
Labor	7 members
Miscellaneous Subjects	8 members
Public Health and Welfare	7 members
Public Works	8 members
Revenue	8 members
Urban Affairs	8 members

The Speaker shall not be a regular member of any standing committee.

All committee members shall be nominated by the Committee on Committees in such manner as is hereafter set forth.

Committee on Committees. Rule 3, Sec. 17, page 15.

Budget—Governor's Bill, Introduction. Rule 5, Sec. 7, page 26.

Chairman, Appropriations Committee, Member Executive Board.

RRS 50-401.01.

Sec. 3. Chairman, Vice-Chairman. (a) The Chairman of each committee shall be selected by secret ballot on the floor of the Legislature.

(b) Each standing committee shall elect from its membership a vice-chairman to serve in the absence of the chairman.

Sec. 4. Meeting Times. Standing committees shall meet at 2:00 p.m., unless otherwise ordered by the Legislature. Any committee chairman before deciding not to hold committee meetings or a

committee meeting on an assigned day, must receive permission from the Reference Committee.

Reference Committee. Rule 3, Sec. 19, page 17.

Excuse from attendance. Rule 2, Sec. 4, page 9.

Sec. 5. Public Hearing, Notice. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill shall have been printed, by publication in the Legislative Journal, of the date and time of said hearings. No bill, having been set for public hearing, shall be withdrawn, nor the hearing canceled, within seven calendar days of the date set for said public hearing, except for hearings held during the first 20 legislative days of each session, there shall be required only 5 calendar days notice of said hearing or withdrawal of said bill.

Reference of bill to committee. Rule 3, Sec. 20, page 18.

Withdrawal of bills before hearing. Rule 5, Sec. 11, page 27.

Sec. 6. State Officials Appearing Before Committees. State officials and department heads, or their designee and state employees may appear before any legislative committee.

State Officials appearing on Chamber floor. Rule 2, Sec. 3, page 8.

Sec. 7. Executive Sessions, Press. Executive sessions of standing committees shall be open to the news media.

Reports on votes by a committee shall be as follows:

1. The vote of an individual Senator on all motions may be reported.
2. The Press may report the vote of individual Senators by name on any motion.

Privilege of press on floor. Rule 2, Sec. 3b iii, page 8.

Sec. 8. Consideration and Correlation of Bills. Standing committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Standing committees shall be authorized to combine and to correlate the provisions of different bills referred to them and related to the same subject under the number of one of the correlated bills, and may, before taking final action on any bill, adopt amendments thereto, for the consideration of the Legislature.

The chairman of each committee shall take into consideration the importance, need for, and passage of the bills referred to his committee and set the bills for hearing accordingly.

Review of workload by Committee on Committees. Rule 3, Sec. 17f, page 16.

Sec. 9. Debate Before Committees. Each standing committee shall keep a record of its proceedings. Any two members of the committee may demand a roll call upon the reporting of any bill, or upon amendments thereto. The vote so taken shall be made a part of the committee report.

Sec. 10. Request from Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a report from any standing committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any Senator may move that a bill be placed on General File twenty days or more after the committee hearing, and by a vote of a majority of the elected members, said bill shall be placed on General File.

(c) Any time the introducer of a bill attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed if the motion fails to receive a majority vote of the members elected to the Legislature.

Sec. 11. Report of Bill to Legislature. In reporting a bill to the Legislature, whether with or without amendments, a standing committee shall, by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled committee meetings only. A report on a bill or resolution

must be made to the Legislature within eight calendar days after the committee has acted upon the particular measure. No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the bill drafter.

Sec. 12. Indefinitely Postponed Bills. If the standing committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; Provided, that such bill may be placed on General File or referred back to the standing committee by a majority vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. Consideration of motions pending shall be included in the regular order of business following resolutions.

Sec. 13. Statement of Intent. Each standing committee with the assistance of the legislative staff shall, when reporting a bill, submit therewith a brief statement of the main purpose and the provisions of the bill, and, if recommended to General File, a copy of all amendments recommended by the committee. Such statement shall give the committee's reason for so reporting. A minority view signed by whoever proposed it may also be given. Copy of amendments shall be furnished to the members. On a motion to report the bill to the floor the majority report shall reflect the voting record of each Senator.

Sec. 14. Temporary Appointments. (a) When a member is unable to serve, the chairman of such committee after a majority vote of the remaining members shall request to fill such vacancy or vacancies. The request shall be made to the Committee on Committees and such Committee shall appoint either the Speaker, or a member from a regular standing committee having eight members to fill such vacancy or vacancies.

(b) A temporary appointment may be made by the Chairman of the Committee on Committees for only one day when requested by

a chairman of a regular standing committee which lacks a quorum. When a member is appointed from an eight-member committee the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member or members, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he was appointed.

Sec. 15. Select Committees, Defined. All permanent committees without a regular meeting time shall be identified as select committees. The members of all select committees shall be appointed by the Committee on Committees unless otherwise provided for by statute or rule.

Sec. 16. Select Committees, Named. The permanent select committees shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	5 members

Committee on Committees. Rule 3, Sec. 17, page 15.

E & R. Rule 3, Sec. 18, page 16.

Reference Committee. Rule 3, Sec. 19, page 17.

Rules Committee Review of Amendment to Rules. Rule 2, Sec. 2, page 8.

Sec. 17. Committee on Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairman, and three from District No. 1 consisting of legislative districts Nos. 1 through 3, 25 through 30, 32, 45 and 46; three from District No. 2 consisting of legislative districts Nos. 4 through 14, 20 and 31; three from District No. 3 consisting of legislative districts 15 through 19, 21 through 24, 34, 35 and 40, and three from District No. 4 consisting of legislative districts 33, 36 through 39, 41 through 44 and 47 through 49.

(b) The Committee on Committees by a majority vote of all of its members, shall recommend to the Legislature for its approval

appointments to the standing and select committees, each with the number of members as set forth, unless otherwise provided for herein or by statute.

(c) Committee on Committees shall publish a schedule of regular standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to such committees.

(d) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature, shall be referred to the Committee on Committees, and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(e) The Chairman of the Committee on Committees shall daily report the number and identity of any bills held by a committee when said committee has taken action on said bill more than eight days prior thereto. Said report shall be set forth in the Journal.

(f) The Committee on Committees shall have authority to call before it a committee chairman, and discuss the workload of said committee. They shall hear and dispose of all written complaints filed with said committee by a Senator against any committee chairman. The Committee on Committees shall conduct said hearing in accordance with its own rules.

See Rule 3, Sec. 3(a) for selection of Chairman.

See Rule 3, Sec. 3(b) for selection of Vice-Chairman.

Sec. 18. Enrollment and Review. (a) The Chairman of Enrollment and Review shall be in order at any time in reporting bills which have been engrossed for Final Reading and passage. In the absence of the Chairman, the Vice-Chairman of the Judiciary Committee shall assume the duties of the Chairman of the Enrollment and Review Committee.

(b) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(c) The Chairman of Enrollment and Review shall have authority, without being required to include the same specifically in his reports and recommendations to the Legislature, in accord with accepted usage:

- i To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File and specific amendments.
- ii To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File and specific amendments.
- iii When an amendment to add the emergency clause is adopted on Select File which does not spell out the standard emergency clause and make the necessary change in the title, the Chairman of Enrollment and Review shall also have the authority to add to the engrossed bill the standard emergency clause, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his reports and recommendations to the Legislature or making any special record thereof.

For amendments to title. Rule 7, Sec 3c, page 37.

For engrossment of bill. Rule 5, Sec. 9, page 26.

Sec. 19. Reference Committee. The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the bill to a standing committee or to General File.

Those placed on General File will be bracketed for five calendar days, and if one Senator requests a public hearing on one or more

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of these bills, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Reference of resolutions. Rule 4, Sec. 8, page 21.

Sec. 20. Objection to Reference of Bills. Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature on any legislative day, immediately following corrections of the daily journal, by unanimous consent, or by the vote of a majority of the elected members.

Sec. 21. Special Committees. Special committees shall include all permanent committees other than standing or select committees. The Special Committees shall include but not be limited to the following:

Intergovernmental Cooperation. RRS 81-816	5 members
Nebraska Retirement Systems. RRS 50-416	5 members
Conflict of Interest. RRS 49-1105	4 senate members
Law Enforcement and Justice Advisory Committees, Judiciary Committee. RRS 50-601	8 members
Nebraska Transportation Advisory Committee RRS 50-421	5 members
Education Commission of the State. RRS 79-2504	4 members
Administrative Rules Committee. RRS 84-908	7 members

(Chosen by Legislature)

Sec. 22. Investigating Committees. The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 23. Nebraska Retirement Systems Committee. The Nebraska Retirement Systems Committee together with the chairman of the Appropriation Committee shall function during each legislative session

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as a special committee of the Legislature, shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions. All rules of procedure and operation of the standing committees shall apply, except as to a date certain for holding hearings.

RRS 50-416

Sec. 24. Intergovernmental Cooperation. In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Sec. 81-816 the Executive Board may appoint alternate members to serve on such assignments as the Chairman shall direct.

RULE 4—RESOLUTIONS

Section 1. Identifications. A resolution shall be designated as Legislative Resolution _____. The resolutions shall be numbered consecutively for each Legislature. All other resolutions shall be read by the Clerk upon introduction and shall be printed in the Legislative Journal.

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification of amendments to the federal constitution, or memorilize the Congress for the purpose of proposing amendments to the U. S. Constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of section 84-504, Reissue Revised Statutes of Nebraska, 1943, shall be considered and adopted in the same manner as bills. (4-11-73)

Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1.

Sec. 3. Study Resolution. Resolutions which propose that studies be made by the Legislative Council shall be first referred to the Executive Board of the Legislative Council, this Board to submit a report with each resolution recommending that the proposed study be made or rejected. The Executive Board of the Legislative Council shall determine the time and number of interim studies. All such studies authorized by the Legislature shall be referred to the appropriate permanent standing or special committee by the Executive Board. The chief introducer of a study resolution shall, if not otherwise a member of the committee to which the resolution is assigned, be an ex officio member of said committee, but such membership shall not extend beyond the convening of the next legislative session and shall be limited to a study of that resolution only. (4-11-73)

RRS 50-404

Sec. 4. Only those resolutions specified in sections 2 and 3 of this Rule shall be voted on by the Legislature. Should the rules be suspended to permit a vote upon a resolution it shall then be considered adopted only by an affirmative vote of a majority of the elected members.

Sec. 5. The Clerk shall hold all resolutions not otherwise disposed of until the fifth legislative day after introduction or until the last day of the session, whichever first occurs, during which any member may add his name as introducer thereof. The Clerk shall retain the original of all such resolutions in his file and, if called for in the resolution, make and dispose of copies thereof accordingly, provided, however, that resolutions not adopted in accordance with Secs. 2, 3 or 4 above shall be considered adopted only when there shall have been a majority of the elected members sign the said resolution.

Sec. 6. Resolutions which are filed with the Clerk may be explained by the signer thereof either on the day of introduction or any of the 5 succeeding legislative days.

Sec. 7. Only those resolutions specified in sections 2 and 3 of this Rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lt. Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Secs. 2 and 3 of this rule may be referred to a committee if a motion to do so is adopted by a majority of the elected members.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter.

For public hearing. Rule 3, Sec. 5, page 12.

Sec. 10. Resolutions referred to General File may be adopted by a majority vote of the elected members, unless otherwise provided for herein. (See Sec. 2.)

Emergency seat of government; Resolution providing for, must be signed by Governor. RRS 23-2103, 1943, by Governor.

Section 1. Drafting of Bills. The bill drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the bill drafter. The bill drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the bill drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill No. ____.

Style of Bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject, and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 14.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the Statutes or Constitution.

Sec. 3. Revisor Correctional Bills, Pre-Printing. (a) Preceding each legislative session, the Chairman or any member of the Executive Board of the Legislative Council or if the Executive Board so requests, the Senator who, in the preceding session served as Chairman of the Judiciary Committee, shall sign as introducer the Revisor of Statutes correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills the Clerk shall number and cause to be printed all bills delivered to him by the Executive

Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. Members shall introduce only such bills as they are willing to endorse and support personally. Not more than three Senators shall sign any single bill; Provided that, this limitation shall not apply to committee bills, to Legislative Council bills, and to Revisor of Statutes correctional bills. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any additional signers shall be by the suspension of the rules with a machine vote and cannot be made by unanimous consent.

Sec. 5. Introduction of Bills, Ten Day Limitation. (a) Except as provided in Rule 5, Sec. 6, no bill shall be introduced after the tenth legislative day during sessions in odd-numbered or even-numbered years, except as hereinafter provided.

(b) A bill may be introduced at the request of the Governor at any time. A standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature.

(c) A copy of intent of a bill recommended for introduction by a committee must be placed on each member's desk before such introduction of bill is voted upon.

(d) In regular sessions each member shall be limited as an introducer or co-introducer to a total of 10 bills for the period of introduction of bills by individual members. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of 10 bills; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 5, Sec. 3a will not be included in the limitation.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact of more than five thousand dollars shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk within ten calendar days of receipt of a copy of the bill for analysis. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by a committee or the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note.

(f) When the Legislative Fiscal Analyst determines that the fiscal impact of a bill will be less than five thousand dollars, it shall not be necessary to prepare a detailed fiscal note, and the fiscal note may merely state this fact.

(g) When any bill proposes adoption of a new program or change of an existing program which would require an appropriation of \$50,000 or more to implement in the ensuing fiscal year an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared by the Fiscal Analyst and be placed on General File and considered as introduced by the introducer of the original bill at the time the original bill is reported to General File, shall bear the number of the original bill with the letter "A" added (for example LB 1A), and shall accompany the original bill through all stages of the legislative process. However, if the original bill is reported by committee to General File with committee amendments, the "A" bill shall be introduced by the committee which is reporting the original bill to the floor and placed on General File. The "A" bill accompanying the original shall include the funding required by the committee recommended amendments. No vote, suspension of the rules, or unanimous consent shall be required for the introduction of an "A" bill. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading. The authorization bill shall first be considered and if it should be passed on final reading then the "A" bill shall be read and voted on for final passage.

(h) The note shall be factual in nature, as brief and concise as may be, and shall if possible provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

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(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies or other entities of the State by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the Office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

For creation of position. RRS 50-418.

For duties of position. RRS 50-419.

Sec. 7. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

Governor's Budget message.

Const. Art. IV, Sec. 7.

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage.

Const. Art. III, Sec. 14.

Sec. 9. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 10. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Salaries of employees. Rule 1, Sec. 22, page 6.

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Sec. 11. Withdrawal of Bills. No bill, having been introduced may be withdrawn except upon motion of the first introducer with the consent of his co-introducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Sec. 5, page 12.

Sec. 12. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 13. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

28 RULE 6—BILLS—STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any Special Session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction the Clerk shall deliver bills requiring reference to the Reference Committee.

Sec. 2. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall next be considered, after which he may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Sec. 3.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Sec. 16, page 4.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

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(e) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(f) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(g) If in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action he may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) Any bill failing to receive 25 votes to be advanced to E & R Initial after three attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on General File:

*UC-Unanimous Consent; MEM-Majority of Elected Members;
MTV-Majority of those voting.*

GENERAL FILE

On introduction of bill, Motions to		
Add names as introducers	UC	5- 4 -23
More than 3, Suspension of Rules		
Place on General File without public hearing	MEM	3-19-17
Withdraw bill	MTV	5-11-27
On consideration of bill on General File		
Move to pass over	MTV	6-2d-28
Move to change order	MEM	
Move to IPP before bill is read	MEM	6-2e-29
Move to IPP after bill is read	MTV	
Move to Advance to E & R Review	MEM	6- 3 -30
Move to return to Committee	MEM	
Move to Reconsider		
(within one legislative day thereafter)	MEM	7-7a-39
(if after one legislative day, by suspension of the rules only)		7-7a-39
Move to expedite	UC	
Move to amend	MTV	
Move to amend the Amendment	MTV	
Move to withdraw bill-first introducer	MTV	5-11-27

RULE 6

If returned from Select File

Motion to return to Select File	MEM	6-4d-30
Motion to amend	MTV	
Motion to advance	MEM	6-3 -30
Move to return to E & R for Engrossing	MEM	6-4d-30
Defeated bill, motion to reconsider	MEM	7-7 -39

Returned from Final Reading

Advance to Final Reading (if no amendments)	MEM
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Withdrawal of bills. Rule 3, Sec. 5, page 12.

Sec. 3. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

Sec. 4. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the Chairman of Enrollment and Review.

(b) A motion to adopt an amendment which shall require a majority of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted the bill shall be considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideration by E & R. If the bill is not altered, it may be advanced to E & R for engrossment.

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(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections b, c, d and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(g) Amendments recommended by E & R shall not be read by the Clerk except upon the request of a member of the Legislature.

(h) Notwithstanding any other provision contained in this section, if the E & R Committee returns a bill to Select File from engrossment, then only the specific enrollment and review amendments may be considered.

The following votes shall be required to adopt the following motions affecting bills on Select File:

SELECT FILE

Motion to advance to E & R for Engrossing	MEM	
if machine vote requested	MEM	6-4d-30
Motion to act on E & R amendment	MTV	6-4a-30
Motion to amend	MEM	6-4b-30
Motion to recommit to a Standing Committee	MEM	6-4d-30
Motion to return to General File for amendment	MEM	6-4d-30
Motion to Indefinitely Postpone	MEM	6-4e-31
On bill returned from E & R Engrossing & Final Reading		
Motion to return for specific amendment	MEM	6-5-31
Motion to adopt specific amendment	MEM	6-5-31

Sec. 5. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members.

Sec. 6. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) Two legislative days after its reference to Final Reading File.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 7. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(a) To recommit the bill to Enrollment and Review to correct an error and for re-enrollment.

(b) To recommit the bill to the proper standing committee, with or without instructions.

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members; Provided, however, if the proposed amendment be to add the emergency clause, it may only be adopted by a vote of two-thirds of the elected members.

Members to remain in their seat. Rule 2, Sec. 3g, page 9.

No one to be seated beside member during Final Reading. Rule 2, Sec. 3d, page 8.

Sec. 8. Question on Final Reading. The question after the Final Reading of bill shall be: "All provisions of law relative to procedure having been complied with, the questions is, 'Shall the bill pass?' " If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 9. Emergency Clause, Votes Requested. When a bill containing the Emergency Clause does not receive the required two-thirds

constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 10. Governor's Veto, Reconsideration. Upon the day of receipt of a message from the Governor announcing his veto of a bill, or on either of the next five legislative days, any member may move that the bill so vetoed be taken up for passage. Whereupon, the question shall be, "Shall the bill pass, notwithstanding the objection of the Governor?"

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

Sec. 11. Bills, passed over Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

The following votes shall be required to adopt the following motion on final reading:

FINAL READING

To return to Standing Committee	MEM	6- 7 -32
To return to E & R to correct an error	MEM	6- 7 -32
To return to Select File for specific amendment	MEM	6- 5 -31
Unless to add the Emergency Clause	2/3	6- 7 -32

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To pass on Final Reading	MEM	6- 8 -32
With Emergency Clause attached	2/3	6- 9 -32
Motion to Reconsider (when failed on Final Reading)	3/5	7- 7 -39
To add the Emergency Clause	2/3	6- 7 -32
Override Governor's Veto	3/5	6-10-33

Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. R.R.S. 49-236.

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet at noon on the first Tuesday of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators.

Const. Art. III, Sec. 10.

Each day the Legislature convenes shall be considered a legislative day.

(b) The order of business of the Legislature shall be as follows:

- a. Prayer by the Chaplain
- b. Roll call
- c. Call for correction of the Journal
- d. Petitions and memorials
- e. Notice of committee hearings and reports
- f. Bills on Final Reading
- g. Resolutions
- h. Introduction of bills and reading by title
- i. Consideration of bills on Select File
- j. Motions to reconsider
- k. Motions to advance bills from committee
- l. Other pending motions
- m. Unfinished business, including messages on president's desk
- n. Consideration of bills on General File
- o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) When a bill shall have been made a special order for a definite time and an adjournment shall intervene for a time beyond

the time fixed for such special order, then in that event the bill so made a special order shall be placed in its order on General File. The unfinished business in which the Legislature was engaged at the adjournment of the last preceding sitting shall have preference in the special order of the day.

(e) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

Introduction of bills. Rule 6, Sec. 1, page 28.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay'".

(b) If a machine vote is called for or if the presiding officer is in doubt, he shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the House while the House is under call. The Presiding Officer may vote by voice. Only the totals shall be printed in the journal. Once having voted aye or nay, Senators may call in a change to not voting prior to the locking of the voting board.

Voice votes shall be accepted on Final Reading

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used.

(d) Whenever the "ayes" and "nays" are taken by machine vote no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for

or against a proposition. In announcing such vote the Clerk shall announce the ayes, the nays, those present and not voting, and those absent and not voting. Any member may request a roll call or a record vote and further that the same be verified.

(C) Motions

Sec. 3. Motions, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk in writing before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any Senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

- a. To adjourn
- b. For the previous question
- c. To postpone to a time certain
- d. To recommit to a committee
- e. To amend
- f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend do not yield to each other.

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition or subject, different from that under consideration, shall be admitted under color of amendment.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be in order when demanded by five or more members and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent or introducer of such proposition shall be given the right to close the debate thereon.

Sec. 5. Call of the Legislature. A call of the Legislature may be made by any member in the manner following: "I move for a call of the Legislature". The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting vote in favor of such a motion then the Legislature shall be deemed to be under call. Each member

present shall indicate his presence upon the electric roll call system and shall remain in his seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the call raised.

Lieutenant Governor votes only when Legislature equally divided.

Rule 1, Sec. 14, page 4.

Voice vote while House under call. Rule 7, Sec. 2b, page 36.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill of proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Sec.

3, page 37.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

RULE 7

- i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.
- ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

- a. While a member is speaking.
- b. When a motion to adjourn has just been defeated.
- c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

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Eighty-Third Legislature of Nebraska, First Session, 1973
and Pending Before the
Eighty-Third Legislature of Nebraska, Second Session, 1974

STATUS OF BILLS

on
January 1, 1974

GENERAL FILE: LR8 LR19 LR25: 7 48 66 78 91 92 104CA 127 128
131 153 161 212 217 230 237 238 288 293 302 323CA 327 334
359 361 375 377 389CA 396 432 434 438 458 471 490 499 502
508 513 520 565 567 568 569 584

FINAL READING: 17A 17e 43 43A 77 77A 94e 162e 162Ae 228e
228Ae 254A 280e 280Ae 306 306A 435 506 506A

BILLS HELD BY COMMITTEE:

Appropriations: 156 303 385 439 578
Education: 28 105 106 109 171 190 287 362 427 470 495 570
Government: 174 204 271 295 322 393 426 476 551
Judiciary: 8 202 223 329 354 451 566 574
Miscellaneous Subjects: 325 326 507
Nebraska Retirement Systems: 388 466
Public Works: 50 160
Revenue: LR7
Urban Affairs: 467

e – emergency clause
A – appropriation bill
CA – Constitutional Amendment

RESOLUTIONS**LEGISLATIVE RESOLUTION 7.**

Introduced by Burbach, 19th District; Epke, 24th District; C. Carsten, 2nd District; Mahoney, 5th District.

WHEREAS, an interim study committee was appointed to study the problems of real estate assessment and equalization as a result of resolutions of both the First and Second Sessions of the Eighty-Second Legislature; and

WHEREAS, while much has been accomplished in this area, much work remains to be done.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council appoint a committee to continue the study of equalization and fairness in all areas of taxation.

2. That the provisions of Legislative Resolution 69, Eighty-Second Legislature, First Session, and of Legislative Resolution 4, Eighty-Second Legislature, Second Session, be continued in the next interim study period.

3. That such committee report its findings and recommendations to the next regular session of the Legislature.

LEGISLATIVE RESOLUTION 8.

Introduced by Maresh, 32nd District.

WHEREAS, United States Congressmen are presently elected for two-year terms; and

WHEREAS, such terms cause Congressmen to devote much time to campaigning; and

WHEREAS, such emphasis does not allow sufficient time to acquire knowledge of the legislative process; and

WHEREAS, reduction in the number of elections would result in a tax savings; and

WHEREAS, a longer term would attract better qualified people because of greater future political possibilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature recommends to the Congress of the United States that an amendment to the United States Constitution be drafted to provide that United States Congressmen shall be elected for a term of four years.

LEGISLATIVE RESOLUTION 19.

Introduced by Carpenter, 48th District.

RESOLVED, By the Legislature of the State of Nebraska, That the Legislature, hereby and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the purpose of the following amendment to the Constitution of the United States:

ARTICLE

No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin; and be it further

RESOLVED, that this application by the Legislature of the State of Nebraska constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1974, this application for a state application shall no longer be of any force or effect; and be it further

RESOLVED, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the Legislature of the State of Nebraska interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions; and be it further

RESOLVED, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of the Congress from Nebraska and to each House of each State Legislature in the United States.

LEGISLATIVE RESOLUTION 25.

Introduced by Carpenter, 48th District.

WHEREAS, the height requirement established by the Nebraska State Patrol of five feet eight inches is discriminatory in nature and in practice, and

WHEREAS, the State Patrol of Nebraska receives One Hundred Eighty-three Thousand and no/100 (\$183,000.00) Dollars in L E A A funds; and the United States Department of Justice has ruled that law enforcement agencies must abolish height requirements or lose L E A A grants, and

WHEREAS, any efforts expended in acquiring information to justify height requirements would only create further and unnecessary cost to the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the State of Nebraska shall rescind and revoke its discriminatory height requirement for applicants to the State Patrol, and

2. That hereafter the requirements for applicants to said State Patrol shall be based solely on general mental and physical qualifications.

BILLS

LEGISLATIVE BILL 7. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend section 11-119, Revised Statutes Supplement, 1972, relating to bonds of public officials; to change the amount of bonds of county commissioners and supervisors; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 8. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to adopt the Nebraska Criminal Code; to provide an operative date; to provide duties; and to repeal Chapter 28, articles 1 to 9, Reissue Revised Statutes of Nebraska, 1943, sections 28-1001 to 28-1019, Reissue Revised Statutes of Nebraska, 1943, sections 28-1032 to 28-1042, Reissue Revised Statutes of Nebraska, 1943, sections 28-1101 to 28-1107, Reissue Revised Statutes of Nebraska, 1943, sections 28-1111 to 28-1131, Reissue Revised Statutes of Nebraska, 1943, Chapter 28, articles 12 and 13, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, and sections 29-106, 60-430.07, and 86-701 to 86-707, Reissue Revised Statutes of Nebraska, 1943, and all amendments thereto.

LEGISLATIVE BILL 17. By Burbach, 19th District.

A BILL FOR AN ACT to amend sections 89-183, 89-187, 89-1,100, and 89-1,101, Revised Statutes Supplement, 1972, relating to weights and measures; to redefine a term; to change duties; to provide for fees and the disposition and use thereof; to change the penalty provision; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 17A. By Burbach, 19th District.

A BILL FOR AN ACT to appropriate one hundred fifty-three thousand dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Agriculture, Agency No. 18 for Program 057, to aid in carrying out the provisions of Legislative Bill 17, Eighty-third Legislature, First Session, 1973.

LEGISLATIVE BILL 28. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 79-1332, 79-1334, 79-1335, and 79-1340, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change state aid to public schools as prescribed; and to repeal the original sections, and also section 79-1343, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 43. By Stull, 49th District.

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1972, relating to schools; to provide for the cost of educating certain wards of the state or any court; and to repeal the original section.

LEGISLATIVE BILL 43A. By Education Committee: Kelly, 35th District, Vice-Chairman.

A BILL FOR AN ACT to appropriate four hundred six thousand eight hundred seventy-five dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the State Department of Education, Agency No. 13 for Program 025, to aid in carrying out the provisions of Legislative Bill 43, Eighty-third Legislature, First Session, 1973.

LEGISLATIVE BILL 48. By Stahmer, 8th District.

A BILL FOR AN ACT relating to taxation; to impose a sales tax on lodging as prescribed; to provide for the disposition of proceeds; and to provide an operative date.

LEGISLATIVE BILL 50. By Administrative Rules and Regulations Committee: Duis, 39th District, Chairman.

A BILL FOR AN ACT relating to inspections; to create a Department of Inspection; to provide staffing and equipment; to provide duties of the department; and to amend existing inspection statutes.

LEGISLATIVE BILL 66. By Barnett, 26th District.

A BILL FOR AN ACT relating to motor vehicles; to provide for accident reports to be furnished to the Director of Motor Vehicles as prescribed.

LEGISLATIVE BILL 77. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 60-434, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 13, Eighty-third Legislature, First Session, 1973, relating to the state patrol; to change the number of investigators; and to repeal the original section.

LEGISLATIVE BILL 77A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate two hundred twenty-one thousand four hundred twenty dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Nebraska State Patrol, Agency No. 64 for Program 190, Criminal Investigation, to aid in carrying out the provisions of Legislative Bill 77, Eighty-third Legislature, First Session, 1973.

LEGISLATIVE BILL 78. By Clark, 47th District; Duis, 39th District.

A BILL FOR AN ACT to adopt the Gas Utility Act; to provide for the regulation of gas utilities as prescribed; to amend sections 14-106, 15-266, 16-679, 17-528.02, 57-903, 57-904, 57-911, 57-912, 57-917, 57-918, and 57-921, Reissue Revised Statutes of Nebraska, 1943, and section 57-905, Revised Statutes Supplement, 1972, relating to the Nebraska Oil and Gas Conservation Commission; to change the name of the commission and the compensation of its members; to provide an operative date; and to repeal the original sections, and also sections 18-414 and 18-415, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 91. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 77-2702 and 77-2703, Reissue Revised Statutes of Nebraska, 1943, relating to sales taxes; to provide for sales taxes on commissions charged on sales of securities and commodities; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 92. By Snyder, 14th District.

A BILL FOR AN ACT to amend sections 43-607 and 43-616.01, Revised Statutes Supplement, 1972, relating to handicapped and trainable mentally retarded children; to provide the mileage expense for handicapped and trainable mentally retarded children as prescribed; and to repeal the original sections, and also section 43-616.04, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 94. By Snyder, 14th District.

A BILL FOR AN ACT to make appropriations to the University of Nebraska-Omaha Campus, Agency 51-2; to provide for the drawing and payment of warrants; and to declare an emergency.

LEGISLATIVE BILL 104. By Syas, 13th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to taxation; to provide special tax treatment for real estate upon which is located water or growing timber and woody plants under prescribed conditions; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 105. By Proud, 12th District.

A BILL FOR AN ACT to appropriate sixty thousand dollars from the state General Fund to Eastern Nebraska Technical Community College Area to pay administrative and operating expenses for the period from the effective date of this act until June 30, 1973, and to declare an emergency.

LEGISLATIVE BILL 106. By Whitney, 44th District.

A BILL FOR AN ACT to amend sections 79-1330, 79-1331, 79-1332, 79-1333, and 79-1344, Reissue Revised Statutes of Nebraska, 1943, relating to state aid to education; to provide a source of funds; to change certain definitions and names; to provide a method of distribution; to repeal the original sections, and also sections 79-1334, 79-1335, 79-1336, 79-1337, 79-1338, 79-1339, 79-1340, 79-1342, 79-1343, and 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1972; and to declare an emergency.

LEGISLATIVE BILL 109. By F. Carstens, 30th District.

A BILL FOR AN ACT to make appropriations out of funds received by the state under Public Law 92-512; to provide for the drawing and payment of warrants; and to declare an emergency.

LEGISLATIVE BILL 127. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT relating to the Division of Alcoholism; to define terms; to abolish the crime of public intoxication; to create the Nebraska Council on alcoholism; to provide duties for the council and the division; to provide for membership of the council; to establish a program for the treatment and rehabilitation of intoxicated persons and alcoholics; and to establish emergency service patrols.

LEGISLATIVE BILL 128. By Stromer, 36th District.

A BILL FOR AN ACT to amend sections 60-404, 60-406, and 60-409, Reissue Revised Statutes of Nebraska, 1943, and sections 60-403.01 and 60-415, Revised Statutes Supplement, 1972, relating to motor vehicle operators' licenses; to require a color photograph of the licensee to be affixed to certain licenses as prescribed; to provide for temporary licenses; to provide for costs; to increase fees and change the distribution thereof; to provide for rules and regulations; to provide for an advisory committee; and to repeal the original sections.

LEGISLATIVE BILL 131. By Snyder, 14th District.

A BILL FOR AN ACT to repeal section 23-362, Reissue Revised Statutes of Nebraska, 1943, relating to the support of Indians.

LEGISLATIVE BILL 153. By F. Carstens, 30th District.

A BILL FOR AN ACT relating to insurance; to provide for insurance benefits to victims of automobile accidents without regard to fault; to provide for rights of recovery of damages in tort as prescribed; and to restrict subrogation of claims as prescribed.

LEGISLATIVE BILL 156. By Luedtke, 28th District.

A BILL FOR AN ACT to appropriate two million four hundred thousand dollars from the University of Nebraska at Lincoln Field House Fund, Agency No. 51-1, Program 904, for each fiscal year ending June 30, 1974, 1975, 1976, 1977, and 1978, respectively; and to declare an emergency.

LEGISLATIVE BILL 160. By Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 39-1501 and 39-1508, Reissue Revised Statutes of Nebraska, 1943, relating to highways and bridges; to provide for maintenance and construction of roads in unincorporated communities by the county board and county highway superintendent; and to repeal the original sections.

LEGISLATIVE BILL 161. By Interim Committee on Insurance: Waldron, 42nd District, Chairman.

A BILL FOR AN ACT relating to insurance; to prescribe that motor vehicle liability policies providing insurance on motor vehicles registered in this state contain certain no fault basic economic loss coverages as defined; to provide that no fault supplemental catastrophic economic loss coverage, as defined, be made available; to provide for subrogation and arbitration as specified; to establish standards governing damages in tort actions by persons suffering bodily injuries arising out of the use of motor vehicles insured under the provisions of this act; to provide for the regulation of contingent fees in actions for personal injury or wrongful death arising out of the operation of motor vehicles; to make it unlawful to present a fraudulent claim, as defined, for personal injury or property damage; to provide a severability clause; and to provide an operative date.

LEGISLATIVE BILL 162. By Waldron, 42nd District.

A BILL FOR AN ACT to amend section 24-339, Revised Statutes Supplement, 1972, relating to court reporters; to include reporters of separate juvenile courts; to provide a salary increase; to provide the salary, oath, and term of service of reporters of separate juvenile courts; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 162A. By Waldron, 42nd District.

A BILL FOR AN ACT to appropriate one hundred fifteen thousand six hundred eight dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974, to District Courts, Agency No. 06 for Program 007, Court Reporters Salaries, to aid in carrying out the provisions of Legislative Bill 162, Eighty-third Legislature, First Session, 1973.

LEGISLATIVE BILL 171. By F. Lewis, 45th District.

A BILL FOR AN ACT to repeal sections 79-1343 and 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, relating to schools.

LEGISLATIVE BILL 174. By Stromer, 36th District.

A BILL FOR AN ACT to amend section 32-509, Reissue Revised Statutes of Nebraska, 1943, and section 32-511, Revised Statutes Supplement, 1972, relating to elections; to provide for a vote of the people to choose a candidate for Vice President of the United States; to provide duties; and to repeal the original sections, and also section 32-510, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 190. By Kremer, 34th District.

A BILL FOR AN ACT to amend sections 79-2616, 79-2624, and 79-2631, Reissue Revised Statutes of Nebraska, 1943, and sections 79-2617, 79-2620, 79-2626, and 79-2627, Revised Statutes Supplement, 1972, relating to technical community colleges; to provide for the composition of state boards; to change provisions for election districts; to provide how funds shall be used; to provide for changes regarding budgets; to change agreements for services as prescribed; to provide that the area board may adopt a retirement plan; and to repeal the original sections.

LEGISLATIVE BILL 202. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT relating to criminal procedure; to provide for annulment of criminal convictions; to provide restoration of civil rights to certain persons convicted of crimes; to provide for use of criminal records and sealing of such; and to provide penalties.

LEGISLATIVE BILL 204. By Executive Board: Carpenter, 48th District, Chairman.

A BILL FOR AN ACT authorizing the Legislature or Executive Board of the Legislative Council to rent or contract for additional space and to hire or contract for additional personnel.

LEGISLATIVE BILL 212. By Interim Committee on Truth-in-Advertising: Waldron, 42nd District, Chairman.

A BILL FOR AN ACT relating to frauds; to define terms; to provide for home solicitation sales as prescribed; and to provide penalties.

LEGISLATIVE BILL 217. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 79-1003, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for election of members of the board of education of a Class V school district from districts; and to repeal the original section.

LEGISLATIVE BILL 223. By Kennedy, 21st District.

A BILL FOR AN ACT to amend section 48-185, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation court; to provide for direct appeal from the workmen's compensation court to the Supreme Court; to repeal the original section, and also sections 48-183 and 48-184, Reissue Revised Statutes of Nebraska, 1943, and section 48-182, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 228. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend section 43-234, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile court; to provide state funding for the salary of the judges; to provide for stenographic reporters; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 228A. By Luedtke, 28th District.

A BILL FOR AN ACT to appropriate eighty-five thousand three hundred ninety-five dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974, to District Courts, Agency 6, for Program 006, judges salaries, eighty-four thousand three hundred ninety-five dollars, and for Program 392, judges and reporters expense, one thousand dollars, to aid in carrying out the provisions of Legislative Bill 228, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

LEGISLATIVE BILL 230. By Hasebrook, 18th District.

A BILL FOR AN ACT relating to agriculture; to provide authority for natural resource districts to issue general obligation bonds as prescribed.

LEGISLATIVE BILL 237. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to establish the office of Public Counsel; to provide for his appointment, qualifications and duties; to provide for funding of the office of Public Counsel; to provide the effective date of this act; and to declare an emergency.

LEGISLATIVE BILL 238. By Wiltse, 1st District.

A BILL FOR AN ACT to amend section 85-308, Reissue Revised Statutes of Nebraska, 1943, relating to state colleges; to restate the purpose of state colleges; and to repeal the original section.

LEGISLATIVE BILL 254A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate twenty-five thousand three hundred thirty-two dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Environmental Control for Program 513, Environmental Control, to aid in carrying out the provisions of Legislative Bill 254, Eighty-third Legislature, First Session, 1973.

LEGISLATIVE BILL 271. By Interim Committee on Housing: Simpson, 46th District, Chairman.

A BILL FOR AN ACT relating to public health and welfare; to establish a state housing development authority; to define terms; to create such an authority; and to provide for its powers and duties.

LEGISLATIVE BILL 280. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Johnson, 15th District; Marsh, 29th District; Nore, 22nd District; Savage, 10th District; Simpson, 46th District; Stahmer, 8th District; Whitney, 44th District.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to provide for examinations or audits at such time as the auditor shall determine; to amend sections 23-1608, 71-3708, and 84-304, Reissue Revised Statutes of Nebraska, 1943; to change an approval requirement; to provide additional duties; to provide a Legislative Audit Review Committee; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 280A. By Marvel, 33rd District.

A BILL FOR AN ACT to appropriate forty-six thousand six hundred thirty-six dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Auditor of Public Accounts, Agency No. 10 for Program 506, to aid in carrying out the provisions of Legislative Bill 280, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

LEGISLATIVE BILL 287. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 79-1336, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to increase state aid to public schools; and to repeal the original section.

LEGISLATIVE BILL 288. By DeCamp, 40th District.

A BILL FOR AN ACT relating to lottery; to define terms; to provide for establishing, managing, and operating a statewide lottery as prescribed; to

provide for funds, expenditures, and personnel; to provide for violations and penalties; to provide for rules and regulations; to provide for forfeitures; and to provide how this act may be cited.

LEGISLATIVE BILL 293. By Simpson, 46th District.

A BILL FOR AN ACT to adopt the Uniform Residential Landlord and Tenant Act; to provide summary proceedings for possession; to amend section 24-268, Revised Statutes Supplement, 1972, to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 295. By Stromer, 36th District.

A BILL FOR AN ACT relating to the National Guard; to provide quarters allowance for certain enlisted men during annual active duty training; and to declare an emergency.

LEGISLATIVE BILL 302. By Interim Committee on Appropriations: Marvel, 33rd District, Chairman; Whitney, 44th District; Stahmer, 8th District; Clark, 47th District; Marsh, 29th District; Savage, 10th District; Johnson, 15th District; Nore, 22nd District; Simpson, 46th District.

A BILL FOR AN ACT relating to mental health; to define terms; to provide for comprehensive community mental health services; to provide organization and control of facilities, services, and programs; to provide for funding; and to declare an emergency.

LEGISLATIVE BILL 303. By Interim Committee on Appropriations: Marvel, 33rd District, Chairman; Whitney, 44th District; Stahmer, 8th District; Clark, 47th District; Marsh, 29th District; Savage, 10th District; Nore, 22nd District.

A BILL FOR AN ACT to amend sections 43-607 and 43-616.04, Revised Statutes Supplement, 1972, relating to transportation of the mentally retarded; to change the reimbursement rate; to provide for payments regardless of age; and to repeal the original sections.

LEGISLATIVE BILL 306. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 79-2103, Reissue Revised Statutes of Nebraska, 1943, relating to educational television; to provide for a library of historical figures and proceedings of the Legislature; and to repeal the original section.

LEGISLATIVE BILL 306A. By Marsh, 29th District.

A BILL FOR AN ACT to appropriate eighteen thousand four hundred twenty dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Educational Television Commission, Agency No. 47 for Program 533, Educational Television, to aid in carrying out the provisions of Legislative Bill 306, Eighty-third Legislature, First Session, 1973.

LEGISLATIVE BILL 322. By F. Lewis, 45th District.

A BILL FOR AN ACT relating to conflict of interest; to provide for public disclosure of potential conflicts of interest by public officials and employees not presently under the conflicts of interest law; and to provide penalties.

LEGISLATIVE BILL 323. By Marvel, 33rd District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VII, section 10, of the Constitution of Nebraska, relating to education; to provide for student membership on the Board of Regents of the University of Nebraska; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 325. By Interim Committee on Advertising: Waldron, 42nd District, Chairman.

A BILL FOR AN ACT relating to negotiable instruments; to define terms; to declare consumer paper nonnegotiable as prescribed; and to provide penalties.

LEGISLATIVE BILL 326. By Interim Committee on Advertising: Waldron, 42nd District, Chairman.

A BILL FOR AN ACT relating to monopolies and unlawful combinations; to define terms; to provide for consumer protection as prescribed; to provide for collection of damages; to provide penalties; to provide enforcement procedures; and to provide a title.

LEGISLATIVE BILL 327. By Interim Committee on Advertising: Waldron, 42nd District, Chairman.

A BILL FOR AN ACT to provide a Consumer Sales Practices Act; to define terms; to provide for enforcement as prescribed; to provide

penalties; to provide procedure for civil remedies; and to provide an operative date.

LEGISLATIVE BILL 329. By DeCamp, 40th District.

A BILL FOR AN ACT relating to crimes and punishment; to adopt a comprehensive criminal code; to provide an operative date; and to repeal Chapter 28, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LEGISLATIVE BILL 334. By Cavanaugh, 9th District.

A BILL FOR AN ACT relating to civil rights; to provide procedure for enforcement of civil rights of law enforcement officers as prescribed.

LEGISLATIVE BILL 354. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to adopt the Uniform Probate Code; to provide an operative date; and to repeal sections 24-601 to 24-633, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, and Chapters 30 and 38, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LEGISLATIVE BILL 359. By Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to define terms; to provide a special assessment for land devoted to agricultural use; to provide eligibility requirements for such special assessment; and to provide for collection of additional tax.

LEGISLATIVE BILL 361. By Stahmer, 8th District.

A BILL FOR AN ACT to amend sections 83-305, 83-305.01, 83-305.03, 83-308, 83-363, and 83-376, Reissue Revised Statutes of Nebraska, 1943, and section 83-107.01, Revised Statutes Supplement, 1972, relating to care of the mentally ill; to provide for state payment for care; to provide for transfer of control of the Nebraska Psychiatric Institute; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 362. By Dickinson, 31st District.

A BILL FOR AN ACT relating to colleges and universities; to place a restriction upon the use of student activities fees or charges of colleges and universities supported by state appropriations as prescribed; to define a term; to provide duties; and to provide penalties.

LEGISLATIVE BILL 375. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Nore, 22nd District; Johnson, 15th District; Whitney, 44th District; Stahmer, 8th District; Simpson, 46th District; Marsh, 29th District.

A BILL FOR AN ACT to amend section 83-328, Reissue Revised Statutes of Nebraska, 1943, relating to county boards of mental health; to provide for patient admittance to comprehensive community mental health centers; and to repeal the original section.

LEGISLATIVE BILL 377. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 23-122, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to provide for publishing claims allowed by the county board; and to repeal the original section.

LEGISLATIVE BILL 385. By Marvel, 33rd District.

A BILL FOR AN ACT relating to contracts; to limit contracts by or on behalf of the state or any department or agency thereof as prescribed; to provide an exception; and to declare an emergency.

LEGISLATIVE BILL 388. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 79-1501, 79-1520, 79-1522, 79-1522.01, 79-1524, 79-1528, and 79-1531, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to change the definition of disability retirement allowance; to provide retirement conditions; to provide for changes in the school retirement allowance; to provide the manner by which the monthly formula annuity shall be determined and received; to provide for a monthly annuity to a surviving spouse as prescribed; to raise the deposit paid into the savings fund; and to repeal the original sections.

LEGISLATIVE BILL 389. By Hasebrook, 18th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, sections 10 and 14, of the Constitution of Nebraska, relating to the Legislature; to remove the Lieutenant Governor as presiding officer and remove his right to vote in case of ties therein; to provide for presiding officers; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 393. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide for a state patrol helicopter.

LEGISLATIVE BILL 396. By Whitney, 44th District.

A BILL FOR AN ACT to amend section 72-1246, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Investment Council; to provide for additional authorized investments; and to repeal the original section.

LEGISLATIVE BILL 426. By Anderson, 37th District.

A BILL FOR AN ACT relating to the militia; to provide for payment of one thousand dollars to any six-year volunteer; and to provide for distinctive license plates for militiamen.

LEGISLATIVE BILL 427. By Interim Committee on Coordination of Higher Education: Stull, 49th District, Chairman; Goodrich, 20th District; R. Lewis, 38th District; Synder, 14th District; Marvel, 33rd District; Barnett, 26th District; Epke, 24th District.

A BILL FOR AN ACT relating to higher education; to establish a financial assistance program; to create the Nebraska Commission on Postsecondary Student Aids; to define terms; and to provide qualifications for grants.

LEGISLATIVE BILL 432. By Interim Committee on Appropriations: Marvel, 33rd District, Chairman; Clark, 47th District; Nore, 22nd District; Johnson, 15th District; Whitney, 44th District; Marsh, 29th District; Savage, 10th District.

A BILL FOR AN ACT relating to the State Department of Education; to provide for an educational program for acoustically handicapped children as prescribed; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 434. By Waldron, 42nd District.

A BILL FOR AN ACT to amend sections 3-148 and 3-149, Reissue Revised Statutes of Nebraska, 1943, relating to aircraft gasoline tax; to reduce the tax on fuels purchased for and used in aircraft within the State of Nebraska as prescribed; and to repeal the original sections, and also section 3-150.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 435. By Nore, 22nd District.

A BILL FOR AN ACT to amend section 79-803.03, Revised Statutes Supplement, 1972, relating to schools; to provide for nomination and election of school board members as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 438. By Waldron, 42nd District.

A BILL FOR AN ACT to amend section 75-303, Revised Statutes Supplement, 1972, relating to intrastate motor carriers; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 439. By Interim Committee on Pesticides, Pollution and Environment: Schmit, 23rd District, Chairman.

A BILL FOR AN ACT to appropriate two million dollars from the state General Fund to the Department of Environmental Control, Agency 84, to aid in defraying expenses previously provided by the rural environmental assistance program.

LEGISLATIVE BILL 451. By Burbach, 19th District.

A BILL FOR AN ACT relating to crimes and punishments; to define terms; to prohibit obscenity as prescribed; to provide penalties; to provide civil actions; to provide for evidence; to provide for uniformity of application and regulation; and to repeal sections 28-921 to 28-926.08, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LEGISLATIVE BILL 458. By Burbach, 19th District.

A BILL FOR AN ACT to amend section 70-626, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to provide for the acquisition, construction, and management of rapid transportation systems for tangibles and passengers; and to repeal the original section.

LEGISLATIVE BILL 466. By Anderson, 37th District.

A BILL FOR AN ACT to amend sections 84-1310 and 84-1321, Reissue Revised Statutes of Nebraska, 1943, relating to the State Employees Retirement Fund; to provide for the member's share in the fund; to provide for the termination of employment of an employee before retirement date; and to repeal the original sections.

LEGISLATIVE BILL 467. By Burbach, 19th District; Johnson, 15th District.

A BILL FOR AN ACT relating to transportation; and to provide for adoption of the Metropolitan Transportation Authorities Act as prescribed.

LEGISLATIVE BILL 470. By Interim Committee on State Aid: Warner, 25th District, Chairman.

A BILL FOR AN ACT relating to schools; to limit the amount by which any school district may increase its operational costs in any one year; to provide for enforcement; and to declare an emergency.

LEGISLATIVE BILL 471. By Interim Committee on State Aid: Warner, 25th District, Chairman.

A BILL FOR AN ACT to establish the Rent Review Board as prescribed.

LEGISLATIVE BILL 476. By Government, Military and Veterans Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Duis, 39th District; Stull, 49th District; Fowler, 27th District.

A BILL FOR AN ACT relating to state-owned motor vehicles; to provide for assignment of such vehicles; to provide for records of cost; to provide rules and regulations; to provide for transfer of vehicles presently in the state motor pool; to provide an operative date; to amend section 81-161.04, Revised Statutes Supplement, 1972; to repeal the original section, and also sections 81-1008, 81-1009, and 81-1011 to 81-1017, Reissue Revised Statutes of Nebraska, 1943, and section 81-1010, Revised Statutes Supplement, 1972; and to declare an emergency.

LEGISLATIVE BILL 490. By Public Works Committee: Kremer, 34th District, Chairman; Hasebroock, 18th District; Wiltse, 1st District; Moylan, 6th District; Stomer, 36th District; Goodrich, 20th District; Warner, 25th District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend sections 39-1320.09 and 39-1320.10, Revised Statutes Supplement, 1972, relating to highways; to prohibit advertising signs as prescribed; to provide for annual permits, fees and exceptions; to clarify size of sale bills; to extend criminal penalties; to provide for injunctive relief; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 495. By Executive Board: Mahoney, 5th District, Vice-Chairman; Stull, 49th District; Goodrich, 20th District; Carpenter, 48th District; Savage, 10th District.

A BILL FOR AN ACT relating to higher education; to create the Nebraska Coordinating Council on Higher Education; to create the Nebraska Planning Commission on Higher Education; to provide for appointment of members; to provide for an executive director; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 499. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Stull, 49th District; Carpenter, 48th District; DeCamp, 40th District; Fellman, 4th District; Richendifer, 16th District.

A BILL FOR AN ACT to adopt the Vietnam Veterans Education Loan Act of 1973.

LEGISLATIVE BILL 502. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Barnett, 26th District; DeCamp, 40th District; Fellman, 4th District; Richendifer, 16th District.

A BILL FOR AN ACT to amend sections 29-1804.04, 29-1805.01, 29-1805.04, 29-1805.06 to 29-1805.08, and 29-1805.10, Revised Statutes Supplement, 1972, relating to the public defender; to provide for a district public defender and his election; to provide office space for a district public defender, and his equipment; to provide qualifications of a district public defender and his salary; to redefine indigent; to provide persons entitled to representation; to provide for application for the district public defender to represent them; to provide for appointments of counsel other than district public defender; to provide for a state public defender and his election, his duties, and salary; to repeal the original sections, and also sections 29-1804, 29-1804.03, and 29-1804.05 to 29-1804.12, Revised Statutes Supplement, 1972; and to declare an emergency.

LEGISLATIVE BILL 506. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; F. Lewis, 45th District; Mahoney, 5th District; Skarda, 7th District; Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 81-8,266 and 81-8,267, Revised Statutes Supplement, 1972, relating to the Commission on Mexican-Americans; to provide for meetings at least twelve times a year; to increase compensation; and to repeal the original sections.

LEGISLATIVE BILL 506A. By Carpenter, 48th District.

A BILL FOR AN ACT to appropriate five thousand six hundred fifty-two dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Commission on Mexican-Americans, Agency No. 68 for

Program 537, Mexican-American Commission, to aid in carrying out the provisions of Legislative Bill 506, Eighty-third Legislature, First Session, 1973.

LEGISLATIVE BILL 507. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Mahoney, 5th District; Murphy, 17th District; Luedtke, 28th District; Skarda, 7th District.

A BILL FOR AN ACT to amend section 25-1267.37, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure in the district court; to extend the time for the required answering of written interrogatories; and to repeal the original section.

LEGISLATIVE BILL 508. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Mahoney, 5th District; Murphy, 17th District; Skarda, 7th District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 19-901, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, particular classes; to provide that a comprehensive development plan serve as a guide as prescribed; and to repeal the original section.

LEGISLATIVE BILL 513. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; R. Lewis, 38th District; Maresh, 32nd District; Goodrich, 20th District; Schmit, 23rd District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 71-2017 to 71-2022, 71-2024, 71-2025, 71-2028, 71-2031, 71-2036, and 71-2037, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to provide for the definition and licensure of certain health care facilities as prescribed; to increase fees; to provide for rules and regulations; to provide for inspections; to provide for payment of per diem and expenses of members of the Nursing Home Advisory Council; and to repeal the original sections.

LEGISLATIVE BILL 520. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Barnett, 26th District; Fellman, 4th District; DeCamp, 40th District; Richendifer, 16th District.

A BILL FOR AN ACT relating to operator's license; to provide for deposit of an operator's license as security to appear in court as prescribed; and to provide for failure of operator to appear.

LEGISLATIVE BILL 551. By Government, Military and Veterans Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Fowler, 27th District; Duis, 39th District; DeCamp, 40th District; Stull, 49th District.

A BILL FOR AN ACT to amend section 11-101.01, Reissue Revised Statutes of Nebraska, 1943, relating to official bonds and oaths; to provide where oath of office of a city, village, or school district shall be filed; to provide for destroying oaths of office as prescribed; and to repeal the original section.

LEGISLATIVE BILL 565. By Constitutional Revision and Recreation Committee: Syas, 13th District; Snyder, 14th District; Keyes, 3rd District; Kelly, 35th District; F. Carstens, 30th District.

A BILL FOR AN ACT relating to natural streams; to authorize the people of the State to have access by boat to any cutoff, chute, backwater, or bayou connected with any natural stream in Nebraska as prescribed.

LEGISLATIVE BILL 566. By Judiciary Committee: Luedtke, 28th District, Chairman, at the request of the Governor.

A BILL FOR AN ACT relating to penal reform; to consolidate the administration of community-based correctional programs within the Division of Corrections; to define terms; to create an Office of Community-based Services; to provide for its operation, powers, and responsibilities; to provide for community service officers and presentence service officers; to provide for their appointment, powers, duties and responsibilities; to amend sections 83-195, 83-1,119, 83-1,125, and 83-1,128, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2246, 29-2248, 29-2261, 29-2262, 29-2263, 29-2265, and 29-2266, Revised Statutes Supplement, 1972; and to repeal the original sections, and also sections 83-1,100, 83-1,102, 83-1,103, and 83-1,104, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2249, 29-2250, 29-2251, 29-2252, 29-2253, 29-2254, 29-2255, 29-2256, 29-2257, 29-2258, 29-2259, and 83-1,101, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 567. By Judiciary Committee: Luedtke, 28th District, Chairman, at the request of the Governor.

A BILL FOR AN ACT to amend section 28-506, Reissue Revised Statutes of Nebraska, 1943, and section 28-512, Revised Statutes Supplement, 1972, relating to crimes and punishments; to redefine grand larceny and petit larceny; and to repeal the original sections.

LEGISLATIVE BILL 568. By Judiciary Committee: Luedtke, 28th District, Chairman, at the request of the Governor.

A BILL FOR AN ACT to amend sections 28-1212 and 28-1213, Revised Statutes Supplement, 1972, relating to crimes and punishments; to change the penalty for issuing no-fund and insufficient checks, assignment of funds, and drafts; and to repeal the original sections.

LEGISLATIVE BILL 569. By Judiciary Committee: Luedtke, 28th District, Chairman, at the request of the Governor.

A BILL FOR AN ACT to amend section 83-145, Reissue Revised Statutes of Nebraska, 1943, relating to division of corrections-made goods; to make it permissive to purchase goods from the division of corrections; to eliminate the requirements for purchasing goods from the division of corrections; to eliminate the restriction of printing by offenders or misdemeanants; and to repeal the original section.

LEGISLATIVE BILL 570. By Whitney, 44th District, at the request of the Governor.

A BILL FOR AN ACT to make an appropriation to the State Department of Education from the Revenue Sharing Trust Fund; and to provide for distribution.

LEGISLATIVE BILL 574. By Fellman, 4th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 28-743, Reissue Revised Statutes of Nebraska, 1943 and section 28-729.01, Revised Statutes Supplement, 1972, relating to crimes and punishments; to provide penalties for certain offenses against law enforcement officers; to provide a minimum term of imprisonment; and to repeal the original sections.

LEGISLATIVE BILL 578. By Kennedy, 21st District, at the request of the Governor.

A BILL FOR AN ACT relating to the federal Revenue Sharing Trust Fund; to transfer from the federal Revenue Sharing Trust Fund thirty million dollars to the state General Fund; and to provide for the use of such funds as prescribed.

LEGISLATIVE BILL 584. By Government, Military and Veterans Affairs Committee: Chambers, 11th District; Richendifer, 16th District; Fowler, 27th District; Stull, 49th District; Barnett, 26th District.

A BILL FOR AN ACT to adopt the Nebraska Human Resources Act of 1973.

FIRST DAY—JANUARY 1, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 1, 1974

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Eighty-Third Legislature, Second Session of the Legislature of Nebraska assembled in Legislative Hall of the Capitol Building at the hour of 12:00 o'clock (noon) on Tuesday, January 1, 1974, and was called to order by Speaker Proud.

PRAYER

The prayer was offered by the Chaplain.

Lord God of the ages, as we gather on the first day of another new year, we find that many of our long cherished ideas and firmly entrenched life styles are being challenged by circumstances. We are living in a time of great uncertainty and seemingly ominous change. Things we have believed to be as solid and permanent as this capitol building are crumbling all around us. Such time as these often result in widespread fear and anxiety.

Perhaps this is due to our inclination to look upon all change as a threat. But we have learned that change is not necessarily bad. We welcome change that brings about such things as better health, and new opportunities for meaningful relationships or greater sensitivity to the presence of God. So times of great change can lead to fresh discoveries and exciting new adventures.

1974 is an unknown. So what if it does bring some changes into our lives? Much of what threatens us today because it is unknown, will become a blessing when it is known. In this new year there are certainly many perils for us, but in it also are many divine provisions. So help us to see our goals more clearly, to work together more dearly, and to follow thee more nearly, day by day, in this new year. Amen.

ROLL CALL

The roll was called and the following members were present. Messrs. DeCamp, Epke, Nore and Stahmer were excused.

Anderson, Gary L.	Barnett, Wally, Jr.	Burbach, J. W.
Carpenter, Terry	Carsten, Calvin F.	Carstens, Fred W.
Cavanaugh, John, III	Chambers, Ernest	Clark, Robert L.
Dickinson, James A.	Duis, Herbert J.	Fellmen, Richard M.
Fowler, Steve	Goodrich, Glenn	Hasebroock, William
Johnson, E. Thome	Kelly, Ralph D.	Kennedy, Thomas C.
Keyes, Orval A.	Kime, Otho G.	Kremer, Maurice A.
Lewis, Frank	Lewis, Richard	Luedtke, Roland A.
Mahoney, Eugene T.	Maresh, Richard	Marsh, Shirley
Marvel, Richard D.	Moylan, Harold T.	Murphy, John R.
Proud, Richard F.	Rasmussen, Dennis L.	Richendifer, Blair K.
Savage, John S.	Schmit, Loran	Simpson, Harold D.
Skarda, William R.	Snyder, Duke	Stromer, Gerald A.
Stull, Leslie A.	Syas, George	Waldron, J. James
Warner, Jerome	Whitney, Ramey C.	Wiltse, Irving F.

MOTION—Advise Governor's Office

Mr. Duis moved that a committee of five be appointed to advise the Governor's Office that the Eighty-Third Legislature, Second Session of Nebraska State Legislature has convened and is ready for the transaction of business. The motion prevailed.

The speaker appointed Messrs. Hasebroock, Johnson, Murphy, Stull and Goodrich to advise the Governor.

EASE

The Legislature was at ease from 12:03 p.m. until 12:09 p.m.

The committee escorted Acting Governor Frank Marsh to the rostrum where he read the following communication:

January 1, 1974

The Honorable Richard Proud
Speaker of the Nebraska Unicameral
Capitol Building
Lincoln, Nebraska

Dear Mr. Speaker:

As Acting Governor, thank you for notifying me the Legislature is assembled and ready for the consideration of legislative matters of Nebraska.

It is anticipated that Governor Exon will be in touch with your Honorable body some time after Thursday, January 3. The Governor is scheduled to return to Nebraska by 6:30 p.m. Wednesday evening or if another seat becomes available on another flight, he could return by 11:00 a.m. Wednesday, January 2.

Good luck to you in all of your deliberations and I want to wish each and every one of you a HAPPY NEW YEAR.

Sincerely yours,

(Signed) Frank Marsh
Acting Governor

SELECT COMMITTEE REPORT
Executive Board

This will advise that at the conclusion of the 83rd Legislature, First Session, the following members were appointed to the Transportation Advisory Commission, pursuant to Section 50-421.

Leslie Stull, Chairman
Eugene Mahoney
John Savage
Maurice Kremer - ex officio
J. W. Burbach, Vice-Chairman — ex officio

(Signed) Terry Carpenter, Chairman
Executive Board

STANDING COMMITTEE REPORT
NOTICE OF EXECUTIVE SESSION
Education Committee

Monday, January 7, 1974	East Chamber	2:00 p.m.
Tuesday, January 8, 1974	East Chamber	2:00 p.m.

(Signed) Jerome Warner, Chairman

UNANIMOUS CONSENT—Reconsider Action

Mr. Waldron asked unanimous consent to reconsider our action in not passing LB 472 into law notwithstanding the action of the Governor. Mr. Whitney objected.

ADJOURNMENT

At 12:12 p.m., on a motion by Mr. Stull, the Legislature adjourned until 9:00 a.m., Wednesday, January 2, 1974.

Vincent D. Brown
Clerk of the Legislature

SECOND DAY—JANUARY 2, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 2, 1974

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Proud presiding.

PRAYER

The prayer was offered by the chaplain.

O Lord our God, if ever we needed Thy wisdom and Thy guidance, it is now — as our Legislature begins a new session, standing upon the threshold of a new year, fraught with so many dangerous opportunities.

Some old faces are gone from this chamber — and we remember them; other new faces have come — and we welcome them; many familiar faces have returned — and we are gladdened by them.

We are grateful that somehow our beloved State continues to go on with vitality, vigor and energized faith, and we pray that in this new year we together may move on to loftier heights and nobler achievement, for the good of the people in an invigorating climate of freedom, frankness, fortitude, and faithfulness — to what we believe to one another, and to Thee. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Epke who was excused, Cavanaugh who was excused until 10:00 a.m., Chambers who was absent until 9:20 a.m., and DeCamp who was absent until 10:20 a.m., and F. Carstens who was absent until 10:30 a.m.

CORRECTIONS FOR JOURNAL

The Journal for the First Day was approved.

MESSAGES FROM THE GOVERNOR

May 31, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments requiring legislative confirmation:

Reappointments to the Motor Vehicle Industry Licensing Board for three-year terms ending May 18, 1976:

Herbert G. Andrews, 11217 No. 61st, Omaha
Robert B. Kramer, West 17th and Ave B, Scottsbluff
Walter R. Louis, 118 So. Elmwood Rd., Omaha

I respectfully submit these reappointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

June 8, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

Victor G. Walker, Lincoln, as Director of Correctional Services

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

June 18, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following
appointment requiring legislative confirmation:

Dale Sampson, Utica, to the Environmental Control Council for a four
year term expiring June 22, 1977

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

June 18, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following
appointment requiring legislative confirmation:

Lowell Shaffer, Willow Island, Nebraska, to the Liquor Control
Commission for a six year term expiring May 24, 1979

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

June 29, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following
reappointments requiring legislative confirmation:

Advisory Committee to the Department of Economic Development:

Bennett S. Martin, Lincoln
Calvin L. Hayes, South Sioux City
Carlin Whitesell, Omaha
Bob Runice, Omaha
Charles Davey, Scottsbluff
Neil Colerick, Alliance

Their terms expire July 1, 1977.

I respectfully submit these reappointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

July 5, 1973

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments requiring Legislative confirmation:

To the Nebraska Highway Bond Commission and serve at the pleasure of the Governor:

John Reeve, Attorney, 717 Service Life Bldg., Omaha
Bryan Quigley, Valentine
Hugh Riley, Fairbury

I respectfully submit these appointments for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:do

July 5, 1973

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointment requiring legislative confirmation:

Mr. Richard L. DeBacker, 509 First National Bank Bldg, Grand Island, Nebraska, to the Court of Industrial Relations.

I respectfully submit this reappointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

July 5, 1973

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring Legislative confirmation:

Mr. G. William Burrows, R.F.D. 1, Adams, Nebraska to the Public Welfare and Public Institutions Advisory Committee to serve until January 1, 1974.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

July 5, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Environmental Control Council requiring legislative confirmation:

William R. Hunter, George A. Hormel Company, Fremont, Nebraska, for a four year term.

Robert Cox, 2018 Fifth Avenue, Scottsbluff, Nebraska 69361, for a four year term

Leonard J. Schaefer, P. O. Box 34327, Omaha, Nebraska 68134, for a four year term

Theodore C. Reeves, R.R. 1, Central City, Nebraska, for a four year term

Mrs. Betty Abbott, 6751 Leavenworth, Omaha, Nebraska 68106, for a four year term
Richard Dugdale, 124 S. 92nd Street, Omaha, Nebraska 68114, for a four year term
Mrs. Margaret Sutherland, 1320 N. 79th Street, Lincoln, Nebraska, for a four year term

I respectfully submit these appointments for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah

July 5, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Agricultural Products Industrial Utilization Committee requiring legislative confirmation:

Holly Hodge, Jr., R.R. 2, Holdrege, Nebraska 68949, for a two year term
Ervain J. Friehe, 1502 Norris Avenue, McCook, Nebraska 69001, for a two year term
Ronald Kelly, 623 Emerson, Alliance, Nebraska 69301, for a two year term
Jack Quackenbush, 815 North 8th Street, Beatrice, Nebraska 68310, for a two year term
John Sullivan, Wallace, Nebraska 69169, for a two year term
Robert R. Rauner, 1520 King Street, Sidney, Nebraska 69162, for a two year term
Gary Shults, 5131 Claire Avenue, Lincoln, Nebraska 68516, for a two year term

I respectfully submit these appointments for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah

July 12, 1973

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

Stanley A. Matzke, Lincoln - Director of Department of
Administrative Services

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:do

July 13, 1973

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

In accordance with LB 939 (1971) Legislative confirmation is required on members of the Environmental Control Council each two years. Therefore, in addition to the new appointments as submitted to you on July 5, 1973, I am herewith submitting the following names of members on the

Environmental Control Council whose terms expire June 22, 1975:

Dr. Anthony J. Catana, Jr., Crete
John T. Harris, McCook
Richard A. Veach, Omaha
James H. Walston, M.D., South Sioux City
Eugene M. O'Neill, South Sioux City
Paul Harm, Norfolk
Louis G. Riha, Omaha
L. E. Donegan, Lincoln

I respectfully submit these members for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

July 16, 1973

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I refer to my letter of July 13, 1973, in which I listed the names of the members on the Environmental Control Council having served two years and asking for their reconfirmation.

This is to advise you that I wish to remove the following names from that list as they have not yet served two years on this council:

Dr. Anthony J. Catana, Jr., Crete
Richard A. Veach, Omaha
James H. Walston, M.D., South Sioux City
L. E. Donegan, Lincoln

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

August 13, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

Rudolf Peralez, Lincoln – Director of the Department of Aeronautics

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

August 17, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Nebraska Board of Public Roads Classifications and Standards:

Terrance E. Pesek, Public Works Director, City of Omaha – to replace
Gene E. Jordon, resigned – term expires November 16, 1975

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

August 17, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following
reappointment to the State Personnel Board:

Herman A. Brockmeier, Lincoln - term expires August 4, 1978

I respectfully submit this reappointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

August 17, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following
appointment to the State Highway Commission:

Everett A. Lillich, 1010 Loudon Street, Superior, Nebraska 68978,
effective September 14, 1973, and expiring September 14, 1979

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

September 12, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointment to the State Highway commission requiring legislative confirmation:

Daniel C. Ramsey, P. O. Box 1223, Scottsbluff -- six year term
expiring September 14, 1979

I respectfully submit this reappointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

September 21, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Board of Educational Lands and Funds requiring legislative confirmation:

Vince E. Rossiter, Sr., Hartington, Nebraska, for a five year term --
replacing Harold J. Luchtel, Columbus, whose term expires October 1,
1973

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

September 26, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislature confirmation:

Conrad A. Lawrence, P. O. Box 1103, Omaha, Nebraska 68101 – to
the Nebraska Investment Council for a five year term – replacing L.
Frederick Hoebel of Omaha

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

September 25, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Board of Parole in accordance with LB 524 (1973) requiring legislative confirmation:

John B. Greenholtz, Lincoln – Chairman (full time) – term expiring
September 9, 1979

Timothy E. Blankenship, 5638 South 51st., Omaha (full time) – term
expiring September 9, 1978

Eugene E. Neal, Lincoln (full time) - term expiring September 9, 1977

Edward M. Rowley, 1960 So. 53rd, Lincoln (part time) – term
expiring September 9, 1976

Marshall M. Tate, 2566 Laurel Ave, Omaha 68111 (part time) – term
expiring September 9, 1975

I respectfully submit these appointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

October 1, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments to the Oil and Gas Conservation Commission requiring legislative confirmation:

John Mason, 2411 Craig, Sidney, Nebraska – reappointed for a 4 year term expiring September 28, 1977
Reed Gilmore, P. O. Box 57, Kimball, Nebraska – reappointed for a 4 year term expiring September 28, 1977

I respectfully submit these appointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

October 12, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the State Board of Health requiring legislative confirmation:

Dr. V. Franklin Colon, Friend
Gordon W. Shupe, DDS, Wayne
E. A. Purtzer, Osteopath, Scottsbluff
Mrs. Sharon Holyoke, Ogallala (RN)

These persons were appointed to three year terms expiring September 14, 1976.

I respectfully submit these appointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

October 24, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointment to the Motor Vehicle Industry Licensing Board:

Dale F. Sailors, 2504 North 71st Street, Omaha – reappointment to a three year term expiring October 19, 1976

I respectfully submit this reappointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

December 11, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments to the Board of Public Roads Classifications and Standards which require legislative confirmation:

David O. Coolidge, McCook
F. B. Thompson, Sidney
Marvin Athey, Imperial
Bruce C. Gillan, Lincoln

Their terms expire November 3, 1977.

I respectfully submit these reappointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

COMMUNICATIONS

Letters received from the Interstate Commerce Commission regarding Abandonment of Railroad Lines. Copies on file in the Clerk's office.

Acknowledged receipt of House Concurrent Resolution No. 6 from New Hampshire regarding voluntary prayer in schools; Senate Resolution No. 6 from Alabama regarding constitutional convention; Senate Resolution No. 14 from Delaware regarding bussing of students and Senate Concurrent Resolution No. 2 from South Dakota regarding freight rates. Copies on file in the Clerk's office.

Acknowledged receipt of Resolution No. A-60568 relative to the energy crisis. Copy on file in the Clerk's office.

Nebraska Game and Parks Commission
2200 North 33rd Street/P.O. Box 30370/Lincoln, Nebraska 68503

December 27, 1973

Honorable J. James Exon
Governor, State of Nebraska
State Capitol Building
Lincoln, Nebraska

and

Legislative Council
State Capitol Building
Lincoln, Nebraska

Dear Governor Exon and Members of the Legislature:

In accordance with the provisions of L.B. 374, Eighty-Third Legislature, First Session, and on behalf of the Nebraska Game and Parks Commission, I am submitting a one-year plan and a long-range five year plan of proposed construction and improvements for all exterior access roads and interior service roads as provided in Section 39-1390, Revised Statutes Supplement, 1972.

Also included is a listing of construction and improvements certified and let to contract during calendar years 1972 and 1973. This listing together with those projects included in the one year plan - Fiscal Year 1974-75 makes up all recreation access road projects certified by the Commission to date.

Since both the Game and Parks Commission and the Department of Roads operate on a fiscal year basis through the budgetary process, this plan has also been developed on a fiscal year basis.

As specified in L.B. 374, the plan consists of the following components:

- (1) A narrative section which describe the basis for the plan and includes sections on:
 - (a) plan development procedures
 - (b) eligibility requirements
 - (c) priority criteria
 - (d) the rating procedure

The above sections are intended to meet the requirements that the plan shall be "based on priority of needs and calculated to contribute to the orderly development of an integrated system of roads with the facilities maintained or managed by the Game and Parks Commission", and that "all plans shall specify the criteria employed in setting the priorities" as specifically stated in L.B. 374.

- (2) A one-year plan which lists 8 projects for fiscal year 74/75.

All of these projects have been previously certified by the Commission.

- (3) A five-year plan for fiscal years 1975/76 through 79/80 which includes those projects considered to be needed during that period of time.

- (4) A listing of other eligible projects which exist but are not included in the one and five year plans. These projects are in turn divided in two lists, one consisting of unrated projects and the other of rated projects. Within the coming year the unrated projects will be rated. Time limitations did not allow us to do it for purposes of this report.
- (5) A listing of certified recreation road projects let to construction contracts during 1972 and 1973 (the two immediately preceding calendar years as per requirement of L.B. 374).
- (6) Appendix of Miscellaneous supporting materials.
 - (a) Copy of priority rating worksheet
 - (b) Copy of project data sheet
 - (c) Summary of all projects rated thus far
 - (d) A map which locates all categories of access road projects statewide.

Our intent is to use the five-year plan as the basic list from which to select projects for each yearly plan. At the February Commission meeting, for example, the one-year plan for Fiscal Year 75/76 will be certified.

However, since a plan must maintain some flexibility the five-year plan will be altered in the course of the year to reflect changing conditions or new information on projects yet unrated.

It should also be noted that the one and five year plans as advanced in this document are not strictly based upon the monies available. Rather, they are our indications of the access road needs within the time frames set out, as tempered by various other limiting factors such as the physical ability to accomplish them. Estimates of costs were based upon a figure of \$60,000 per mile of road. Since costs have been spiraling upward recently it is difficult to estimate actual costs at the time of construction. At any rate, the costs will no doubt exceed the estimates used in the plan.

We wish to recognize the fine cooperation of the Department of Roads and the Department of Planning and Programming in assisting us with the development of this plan as well as the many other agencies involved in the review process.

If you are in need of additional information on this program or if there are questions on the materials submitted, we shall be happy to comply.

Very truly yours,

(Signed) Willard R. Barbee
Director

WRB:ls

cc: Commissioners

Plans on file in the Clerk's office.

UNANIMOUS CONSENT—Print in Journal

Mr. Chambers asked unanimous consent to have the following communications printed in the journal. No objections. So ordered.

November 28, 1973

Mr. Clarence A. Meyer
State Attorney General
Statehouse
Lincoln, NB. 68509

RE: Petition Candidacy for Governor, and Selection/Nonselection of Running Mate for Lt. Governor.

Dear Mr. Meyer,

I have received from Secretary of State Beermann, information relating to placement of my name on the general election ballot for Governor via petition.

A State Constitutional provision raises legal issues which you may clarify. I realize, Mr. Meyer, that you are not private counsel for individual Senators. But I am convinced that questions I ask are related to business of State — not merely my personal political destiny.

The Constitution says at Article IV, Section I:

“In the general election one vote shall be cast jointly for the candidate ~~for Governor and Lieutenant Governor~~ for Governor and Lieutenant Governor nominated by the same party”.

The 1973 Legislature amended 32-421.01 to require the names of candidates for Governor and Lt. Governor to appear jointly on the general election ballot.

It seems clear from the clauses: “nominated by the same party”, that the Constitution did not envision a non-party individual being on the general ballot for Governor.

My questions relate to whether I, as an individual using the petition method to get on the general ballot, have a Constitutional responsibility to select a running mate, like that of a political party which selects candidates by means of a primary? (I am enclosing a copy of a letter from the Secretary of State which gives his opinion regarding selection of a running mate).

Question I: If the Constitution is silent as to how a petition candidate obtains a running mate (or even as to whether he must) can that duty be

imposed on a petition candidate as a precondition to placement of his name on the general ballot? In other words, may a "qualifying precondition", not contained in the Constitution nor specifically provided for by statute be administratively imposed, thereby creating requirements for a petition candidate in excess of what the Constitution may demand?

Question II: Suppose (by whatever means) a petition candidate for Governor obtains a running mate, and both their names are placed on the general ballot. Death intervenes prior to the election and erases the running mate. Does the death of the running mate disqualify the Governor candidate? (Apply the same facts to either political party's candidates).

If deprivation of a running mate by death would not disqualify a Governor candidate why should failure to select a running mate lead to or justify disqualification? The result is the same in either case.

Question III: If petition candidates for Governor and Lt. Governor (in accord with the Secretary of State's opinion) must each, separately obtain signatures – with the Lt. Governor candidate's petitions explicitly declaring he will be a running mate of the Governor candidate – would the failure of one candidate to obtain enough valid signatures disqualify the other? Need the Governor candidate's petitions name his running mate? An especially interesting situation would result if the Lt. Governor candidate got his signatures but the Governor candidate did not.

Question IV: If the petition candidate for Governor (absent selection of a running mate) should, perchance, win the election, would not a Lt. Governor be obtained in the same manner as if death had taken the running mate – prior to election – of a winning candidate?

Question V: If a petition candidate fulfilled all explicit Constitutional and statutory requirements for placement of his name on the general ballot, but ignored the cloudy issue of selecting a running mate, may the Secretary of State be compelled to place his name on the general ballot?

It seems to me that to make the eligibility of a petition candidate for Governor depend on preselection of a running mate, is tantamount to making the running mate more important than the candidate. Does the statute which sets out eligibility requirements for a petition candidacy, stipulate selection of a running mate as a qualifying condition?

If we were dealing with an installment loan rather than the Governorship, I would readily understand why more emphasis might be placed on the co-signer than on the one obtaining the loan.

My petition candidacy may be raising these questions for the first time. I can appreciate the possible difficulty of providing answers. However, regardless of difficulty, I think answers must be given. (On the other hand, fewer words may be needed to answer these questions than to ask them).

One thing appears certain: legislative attention should be given to formulating statutory machinery to deal with the uncertainties involved in

a petition candidacy for Governor.

Sincerely,

(Signed) Ernest Chambers
State Senator

EC:clg

cc: Secretary of State

November 8, 1973

Honorable Ernest Chambers
Legislative District Eleven
3223 North 27th Avenue
Omaha, Nebraska 68111

Dear Senator Chambers:

I have your letter concerning the possibility of your becoming a candidate for Governor on the general election ballot by the petition process.

Section 32-504, R.S. Nebraska 1943, 1972 Cumulative Supplement, sets out the procedures to be followed for petitioning a name on the general election ballot. I am enclosing a copy of the current statute. Please note that Section B sets out the information required on the petition and also the qualifications of the petition circulators and petition signers. You will note that a county treasurer's receipt from the county treasurer of the nominee's residence is to accompany the petition form. For Governor this would require a receipt from the Douglas County Treasurer in the amount of \$250.00. The petition would need to be filed in the office of Secretary of State not less than seventy days prior to the November 5, 1974 general election. The candidate is also required to file an affidavit accepting the petition candidacy. The number of signatures shall not be less than two thousand when the nomination is for an office filled by the electors of the entire state. There are no specific guidelines as to when or how the signatures shall be distributed so it would appear that the signatures could all be obtained in one county.

The only problem I can see in your becoming a petition candidate is listed in the Constitution of the State of Nebraska, Article IV, Section I. In part, the Constitution reads: "In the general election one vote shall be cast jointly for the candidate for Governor and Lieutenant Governor nominated by the same party".

Section 32-421.01 as amended by the 1973 Legislature, L.B. 562, provides for the placing of the names of the Governor and Lieutenant Governor jointly on the general election ballot.

By your not being a candidate in the primary you would not have a candidate nominated as Lieutenant Governor to be placed with your name on the general election ballot. Your only alternative as I could see it at this time would be for you to pick your running mate and have him or her circulate petitions for the position of Lieutenant Governor. Such petition would be the same as that circulated by yourself for the position of Governor. I would also think the petitions circulated by a prospective candidate for Lieutenant Governor would have to clearly state that said person would become a running mate of Ernest Chambers, candidate for Governor by petition, so that the names would appear jointly (by petition) on the general election ballot.

These are my ideas and suggestions only, and if you decide to become a petition candidate I would advise you to obtain legal counsel for the exact procedures.

The Nebraska statutes do not permit this office to become legal advisors for candidates. The statutes only provide for the Secretary of State to decide disputed points of the election law, which decision shall have the force of law until changed by the courts. Section 32-1051 R.S. Nebraska 1943. "To supervise the conducting of the primary and general elections in the State, to enforce the provisions of Chapter 32 and with the assistance and advice of the Attorney General to make uniform interpretations of Chapter 32." Section 32-1052 R.S. 1943.

Until you or a prospective candidate for Lieutenant Governor have circulated petitions to become candidates no elector can object to your desire to be candidates by petition for the office of Governor and Lieutenant Governor of the State of Nebraska. If a petition is filed by you or by a person seeking the office of Lieutenant Governor by petition and no objections are made to the petition filings, then the persons filing such petitions shall become candidates (by petition) and if an objection is filed by an elector it may become a disputed point in the election laws and the office of Secretary of State would then become involved because of Section 32-1051, R.S. Nebraska 1943.

I hope I have furnished you with sufficient information at this time. This office will assist you in your endeavors to the extent in which we may do so by statutes.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary

Opinion No. 111
December 26, 1973

Honorable Ernest Chambers
Nebraska State Senator
3223 North 27th Avenue
Omaha, Nebraska 68111

Dear Senator:

Your letter of November 28 dealing with the question of your possible candidacy by petition for the office of Governor is correct in stating that you may have raised some questions for the first time, not only in Nebraska but in at least one other state which has a substantially similar situation. Your excellent analysis of the problem also contains this very accurate conclusion: "legislative attention should be given to formulating statutory machinery to deal with the uncertainties involved in the petition candidacy for Governor."

This letter is written to you as a member of the Legislature, for legislative purposes. You would have to rely on the advice of your own personal lawyer for your guidance in your capacity as a possible petition candidate for the office of Governor.

The problem commences with our new constitutional provision relative to elections for the office of Governor and Lieutenant Governor. This provision now appears in Section 1 of Article IV of the Nebraska Constitution:

"* * *. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor nominated by the same party. * * *."

The 1973 Legislature proceeded to implement this constitutional provision by amending Section 32-421.01 so that it now contains the following new language:

"* * *. In the year 1974 and every fourth year thereafter, the candidates for Governor and Lieutenant Governor of each political party receiving the highest number of votes in the primary shall be grouped together. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor and the names on the ballot shall be grouped, each group enclosed with brackets with one square to the left in which the voter indicates his choice, and the party name to the right, with a heavy black line across the column separating the group of different political parties."

Section 32-504 deals with the procedure for placing a name on the general election ballot by petition. That section was also amended in 1973, but no consideration was given to the matter of having candidates for Governor and Lieutenant Governor run jointly by petition under our new scheme for electing those two officers. Section 32-428 and 32-451 contain procedures, and voter instructions for write-in votes. These were also amended in 1973, but contain no provision which could be deemed to apply to write-in votes for the offices of Governor and Lieutenant Governor jointly.

We thus have a situation in our law where there is no provision for either a write-in or a petition candidate on the general election ballot for the offices of Governor and Lieutenant Governor. We believe that this is a serious deficiency which must be remedied. The New York court once made this observation in connection with the election problem in a one paragraph opinion:

"The Election Law * * * is not open to any construction which would permit nominations by independent groups to fill vacancies * * *. Since any statute which provides for an election where only political parties can make nominations is in violation of the state constitution, the provisions * * * (of the Election Law) are to that extent void." (*Moore v. Walsh*, 37 N. E. 2d 555)

As shown hereafter, we have checked the fourteen other states in which a Governor and Lieutenant Governor run jointly, but have found no cases directly on this proposition. One reason is that some of these states have made appropriate arrangements for petition candidates, and the other reason is that this proposition of electing two officers jointly is very new and the questions which you raise in your letter have not come to the attention of the courts so far as we have been able to determine. Even though there are no cases directly in point there are a number of cases which indicate that any system which tends to deny some voters the opportunity to vote for a candidate of their choosing may constitute a denial of equal protection. The U. S. Supreme Court has pointed out on a number of occasions that the right to vote is fundamental and that states cannot impose improper conditions. Under the existing Nebraska scheme, independent voters would have no voice whatsoever in the selection of candidates for the offices of Governor and Lieutenant Governor.

In the Nebraska case of *State ex rel. Nelson v. Marsh*, 123 Neb. 423, a case dealing with the inability of a small party to get its candidates' names on the ballot as candidates of that party, our court upheld the law which prevented them from getting on the ballot as a party, but pointed out that this did not mean that the people of the state are deprived of an opportunity to vote for their specific candidates because these men could cause their names to be placed on the general election ballot as candidates by petition. In the same opinion the court quoted from an earlier case where they had stated that, "laws regulating the manner in which franchise right shall be exercised are constitutional so long as they leave election free and open to all electors."

Our court has also made such statement as "Every voter has a right to be a candidate for a public office if he possesses the qualification which the law requires," and "The right of the voter to vote at the general election for whom he pleases cannot be limited." (*State ex rel. Curyea v. Wells*, 92 Neb. 337)

The case of *State ex rel. Ragan v. Junkin*, 85 Neb. 1, involved a situation where certain statutory provisions could make it difficult for a petition candidate to get on the general election ballot. In holding the restriction invalid, our court had this to say:

“* * *. For want of the signatures of the supporters who are deprived of the right to sign the nominating certificate of the candidate of their choice he may not be nominated. In such an event his name would not be printed on the official ballot for the November election, and their right to vote for him thereat as a regular nominee would be lost. Under these circumstances the empty privilege of writing on official ballots in blank spaces the names of persons who have not been nominated, with the prospect of having such votes classified in the election returns as ‘scattering,’ is not the full measure of an elector’s rights within the meaning of the constitution. Electors who desire to vote for a particular candidate for judge of the supreme court at the November election should be allowed to take part in nominating him or in whatever preliminary step the law requires as a condition of allowing his name to be printed on the official ballot. This privilege is protected by the following section of the bill of rights: ‘All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.’ (This language was followed by quotations from two earlier opinions of the court:) ‘It is a part of the election machinery by which is determined who shall be permitted to have their names appear on the official election ballot as candidates for public office. To say that the voters are free to exercise the elective franchise at a general election for nominees, in the choice of which unwarranted restriction and hindrances are interposed, would be a hollow mockery. The right to freely choose candidates for public offices is as valuable as the right to vote for them after they are chosen. Both these rights are safeguarded by the constitutional guaranty of freedom in the exercise of the elective franchise.’ * * *. ‘Nominations for public office may be considered in two aspects. First, it involves the right of every eligible person to be voted for by any elector who desires to do so; secondly, it involves the right of each elector to exercise choice among all who are eligible. The two rights may be protected by the same legislation, but it is important to remember that there is involved not merely the right of an individual to be a candidate, but the right of every other person to select him for the office; practically the feasibility of independent political movements depends upon the second right.’ * * *.”

In view of the foregoing, we think that there could be serious question of our court upholding our present statutory scheme of jointly electing our Governor and Lieutenant Governor. However, we feel that our Legislature can correct this deficiency and that the constitutional provision first quoted would not prevent them from doing so. That provision says that one vote shall be cast jointly for the candidates "nominated by the same party." There are no restrictions in that constitutional language which would prevent the Legislature from making adequate provision for petition candidates. Our Legislature can proceed in any area unless there is specific language in our Constitution which prohibits them from taking action.

For your guidance in legislative efforts to correct this situation, we next set forth procedures used in other states known to have a somewhat similar provision with respect to candidates running jointly.

COLORADO. Their statute provides that any petition for a candidate for Governor shall also include a candidate for Lieutenant Governor and together they shall be considered joint candidates at the general election.

ALASKA. Their law provides that candidates for the office of Governor and Lieutenant Governor shall file jointly, but we were unable to find the specific procedure which they follow.

CONNECTICUT: Their Constitution provides:

"In the election of Governor and Lieutenant Governor, voting for such offices shall be as a unit. The name of no candidate for either office, nominated by a political party or by petition, shall appear on the voting machine ballot labels except in conjunction with the name of the candidate for the other office."

DELEWARE. Their Legislature attempted to provide for joint candidacies by statute, but their supreme court held the statute unconstitutional on grounds which would have no application here.

FLORIDA. Their constitution provides:

"In the general election and in party primaries, if held, all candidates for the offices of Governor and Lieutenant Governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for Governor and a candidate for Lieutenant Governor running together."

Their statutes on petitions then provides:

"When joint candidacies for the offices of Governor and Lieutenant Governor are provided by law, independent candidates

for the offices of Governor and Lieutenant Governor must likewise form such joint candidacies, and only one petition will be required to place both names on the ballot as otherwise provided in this section."

HAWAII. They are listed as providing for a joint candidacy but we were unable to find the specific provision in our library. In any event, they have a separate primary for nonpartisan candidates, so their law would not be of too much help to us.

ILLINOIS. Their constitution provides:

"In the general election for governor and lieutenant governor, one vote shall be cast jointly for the candidates nominated by the same political party or petition."

There is then a commentary which follows that section:

Section 4 might be read to imply a constitutional right to nominate candidates for governor and lieutenant governor by petition. If there is such a right, it is not clear how it can be exercised without implementing legislation." (No implementing legislation was found in our library.)

MARYLAND. A 1970 constitutional amendment provides for the Governor and Lieutenant Governor to run jointly, but implementing legislation was not found in our library.

MASSACHUSETTS: This state has a new law, just enacted, which provides for the two offices to run jointly, but we found no provision for petition candidates.

MICHIGAN. We did not find the provisions of the Michigan law in our library but we called there and the information obtained was that they had no provision for petition candidates but did have a provision for write-in votes. The individual with whom I discussed the matter was not completely familiar with the procedure for handling such write-ins.

NEW MEXICO. Their constitution provides for the Governor and Lieutenant Governor to run jointly, but once again we were unable to find the statutory provisions for implementing that constitutional provision.

NEW YORK. Their constitution provides with respect to the Governor and Lieutenant Governor that:

"They shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices, and the Legislature by law

shall provide for making such choice in such manner. The respective persons having the highest number of votes cast jointly for them for governor and lieutenant governor respectively shall be elected."

We found no provision for joint petition candidates, but there did appear to be provision for a joint write-in vote.

PENNSYLVANIA. Their constitution provides for the joint election of the Governor and the Lieutenant Governor. No specific reference to petition candidates was found, but in skimming through their lengthy election laws it is apparently a simple matter for additional political parties to put their candidates on the general election ballot, so perhaps there is no need for petition candidates.

WISCONSIN. Their law provides for the two officers to run jointly and provides the form of petition which such joint candidates are to use:

In the case of candidates for the offices of governor and lieutenant governor, the nomination paper forms shall so contain both candidates names; the office for which each is nominated; * * *, etc."

Your letter also brought up several additional questions which should receive legislative attention. One of these concerns Section 32-522 which deals with filling ballot vacancies after the primary. That section was not amended in 1973, but apparently its language is broad enough so that if a vacancy occurred on the ballot after the primary election for any reason, the respective political parties would be able to fill that vacancy. However, that section does not deal with vacancies in the case of joint petition candidates for the obvious reason that we had no such joint candidacies when that law was last amended.

The Legislature may also want to take a look at Section 32-430.01 which authorizes the Secretary of State to remove a name from the ballot upon personal knowledge or proof of death at any time prior to the actual printing of the ballot.

We trust that the foregoing will be of assistance to you in your work as a member of the legislature.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:ct

cc: Vincent D. Brown
Executive Director
Legislative Council
State Capitol
Lincoln, Nebraska

MOTION — Final Reading Bills

Mr. Marvel moved to bracket all bills on final reading until January 7, 1974.

Mr. Burbach asked unanimous consent to have LB 17 excluded from the Marvel motion. No objections. So ordered.

The Marvel motion, as revised, prevailed with 35 ayes, 0 nays and 14 not voting.

ANNOUNCEMENT

Mr. Carpenter announced pursuant to rule 1, section 22 of the Legislative rules, this will advise that the salary schedule of the legislative employees are on file in the office of the Clerk.

RESOLUTIONS

LEGISLATIVE RESOLUTION 91.

Introduced by Maresh, 32nd District.

WHEREAS, the Congress of the United States has enacted the Emergency Daylight Saving Time Energy Conservation Act of 1973 (P.L. 93-182) which advances the time one hour as of January 6, 1974; and

WHEREAS, subsection 3 (b) of such act empowers the President to grant an exemption or realinement of time zones to any state upon a finding by the Governor, prior to the effective date of such act that such exemption or realinement is "necessary to avoid undue hardship or to conserve fuel in such State or part thereof"; and

WHEREAS, the Legislature finds:

(1) The advancement of time would not effect any conservation of energy in this state;

(2) That undue hardships and dangers would be encountered by children forced to leave home for school while it is still dark;

(3) That undue hardship would be encountered by the construction industry which would either have to start work at a late hour or employ energy-consuming artificial light during the early morning;

(4) That undue hardship would be encountered by farmers and ranchers forced to do chores in the darkness;

(5) Some schools are now considering an adjustment of scheduled hours, which would produce confusion with two time zones; and

(6) The best interests of Nebraska would be served by realining the time zones to place the entire state on Mountain Daylight Savings Time.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

The Legislature hereby petitions the Governor to move promptly in making the necessary findings and to request of the President a realinement of time zones so as to place the entire State of Nebraska on Mountain Daylight Savings Time.

Mr. Maresh asked unanimous consent to have LR 91 withdrawn.

Mr. Carpenter objected.

Mr. Carpenter moved to suspend the rules and consider LR 91 today.

Mr. Waldron requested a record vote.

Voting in the affirmative, 19:

Anderson	Burbach	Carpenter	C. Carsten	Clark
Dickinson	Duis	Kime	Kremer	R. Lewis
Mahoney	Maresh	Marvel	Moylan	Rasmussen
Schmit	Skarda	Waldron	Warner	

Voting in the negative, 22:

Barnett	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kennedy	Keyes	F. Lewis	Luedtke
Marsh	Murphy	Nore	Savage	Simpson
Snyder	Stahmer	Stromer	Stull	Syas
Whitney	Wiltse			

Not voting, 8:

F. Carstens	Cavanaugh	Chambers	DeCamp	Epke
Kelly	Proud	Richendifer		

The motion lost with 19 ayes, 22 nays and 8 not voting.

Mr. Maresh asked unanimous consent to withdraw LB 91. Mr. Waldron objected.

LEGISLATIVE RESOLUTION 92.

Introduced by DeCamp, 40th District.

WHEREAS, on December 15, 1973, the President of the United States signed into law PL 93-182 calling for day light savings time on a national basis; and

WHEREAS, the farm population of the State of Nebraska works from sunrise to sunset and as a result of PL 93-182 will be deprived, at the end of each day, of necessary shopping and social recreation time; and

WHEREAS, the school children of Nebraska will be forced to walk to school, or wait for busses, in the hours of darkness; and

WHEREAS, PL 93-182 will result in economic loss to many Nebraskans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature of Nebraska hereby goes on record as opposing PL 93-182 and hereby petitions the Congress of the United States to reevaluate its program in the interest of rural America.

2. That a copy of this resolution be sent to the President of the United States, to members of the Nebraska delegation in Congress, and to the Governor of the State of Nebraska.

LEGISLATIVE RESOLUTION 93.

Introduced by Wiltse, 1st District; Richendifer, 16th District; Marsh, 29th District.

WHEREAS, the need for electrical energy in Nebraska has approximately doubled every ten years; and

WHEREAS, the need for continued growth and prosperity in both Nebraska and the nation is dependent upon the abundant supply of electrical energy; and

WHEREAS, Nebraska is the only state in the nation where all electrical utilities are owned by the people; and

WHEREAS, the people of Nebraska elect the governing bodies who oversee and set policy for these electric utilities; and

WHEREAS, it has been the objective of the electric utilities of Nebraska to plan ahead to meet the needs of the people; and

WHEREAS, the Nebraska Public Power District and the Omaha Public Power District, in anticipation of the needs of Nebraskans in the 1970s and beyond, did plan in 1966 to meet those demands through construction of nuclear power plants as well as construction of high voltage transmission lines to further strengthen the statewide grid system; and

WHEREAS, this farsighted planning has resulted in Nebraska's not having the severe electrical energy crisis that affects other areas of our great nation.

NOW, THEREFORE, BE RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Public Power District and the Omaha Public Power District and their respective board of directors and management be commended for their farsighted planning to provide for the electrical needs of the citizens of this great state.

2. That a copy of this resolution be forwarded to each of the Nebraska Congressional delegation in Washington, D. C., and to the respective power districts in Nebraska.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 590. By Executive Board, Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to amend section 39-7,128, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to correct internal references in harmony with previous legislation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 591. By Executive Board, Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to amend section 49-766, Revised Statutes Supplement, 1973, relating to statute revision; to provide for the number of copies of volumes of statutes to be printed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 592. By Executive Board, Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to amend sections 79-516.07 and 79-551, Revised Statutes Supplement, 1972, relating to schools; to eliminate provisions for electing members of a board of education of a Class III school district at a statewide primary election; to repeal the original sections, and also section 79-803.03, Revised Statutes Supplement, 1972; and to declare an emergency.

LEGISLATIVE BILL 593. By Executive Board, Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to amend sections 39-725, 39-726, 39-733, and 39-7,113, Reissue Revised Statutes of Nebraska, 1943, section 39-735.02, Revised Statutes Supplement, 1972, and sections 39-719, 39-720, and 39-723.05, Revised Statutes Supplement, 1973, relating to highways, bridges, and ferries; to correct internal references; to delete obsolete

matter; to clarify provisions; to repeal the original sections, and also sections 39-714.04, 39-718, 39-734, 39-798, and 39-7,114, Reissue Revised Statutes of Nebraska, 1943, and section 39-735.03, Revised Statutes Supplement, 1972; and to declare an emergency.

LEGISLATIVE BILL 594. By Executive Board, Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to amend section 38-629, Revised Statutes Supplement, 1972, relating to guardians' sales; to change the provisions for approval of the bond of the guardian; and to repeal the original section.

LEGISLATIVE BILL 595. By Executive Board, Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to amend section 49-617, Revised Statutes Supplement, 1973, relating to law; to change the distribution of statutes by the State Librarian as prescribed; and to repeal the original section.

LEGISLATIVE BILL 596. By Executive Board, Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to amend section 84-120, Reissue Revised Statutes of Nebraska, 1943, relating to the Governor; to provide for the persons in succession to the office of Governor; and to repeal the original section.

LEGISLATIVE BILL 597. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 77-2703, Reissue Revised Statutes of Nebraska, 1943, and section 77-2515.01, Revised Statutes Supplement, 1973, relating to taxation; to provide that the Legislature shall set the income and sales tax to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 598. By Marsh, 29th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 10, of the Constitution of Nebraska, relating to the Legislature; to change the date when the Legislature shall meet in regular session; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 599. By Executive Board: Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to amend section 14-1039, Reissue Revised Statutes of Nebraska, 1943, relating to water districts; to provide authority for establishing priorities for the use of gas; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 600. By Marsh, 29th District.

A BILL FOR AN ACT relating to offenses against public health and safety; to prohibit smoking in certain public areas; to provide exceptions; and to provide penalties.

LEGISLATIVE BILL 601. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 28-1502 and 28-1503, Revised Statutes Supplement, 1973, relating to abuse of minor children and incompetent or disabled persons; to expand the manner for reporting and servicing abuse cases; and to repeal the original sections.

LEGISLATIVE BILL 602. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 72-1101, 72-1103, and 72-1119, Reissue Revised Statutes of Nebraska, 1943, relating to public buildings; to increase the situations when building standards and specifications are applicable as prescribed; to provide the date when such standards shall become effective; to define terms; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 603. By Duis, 39th District.

A BILL FOR AN ACT to amend section 84-721, Revised Statutes Supplement, 1973, relating to salaries; to decrease the salary of the Lieutenant Governor; and to repeal the original section.

LEGISLATIVE BILL 604. By Administrative Rules & Regulations Committee: Duis, 39th District, Chairman.

A BILL FOR AN ACT to amend section 84-905.01, Reissue Revised Statutes of Nebraska, 1943, section 84-908, Revised Statutes Supplement, 1972, and sections 84-902 and 84-904, Revised Statutes Supplement, 1973, relating to rules of administrative agencies; to require two copies of any rule or amendment to be filed with the Revisor of Regulations; to clarify provisions; to provide that rules and regulations be admitted into evidence; to repeal the original sections, and also section 84-906.01, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 605. Duis, 39th District.

A BILL FOR AN ACT relating to regulations governing the use of public roads; to provide the Governor with the power to raise or lower speed limits in times of emergency; and to declare an emergency.

LEGISLATIVE BILL 606. Stahmer, 8th District.

A BILL FOR AN ACT to amend section 77-2703, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.01, Revised Statutes Supplement, 1973, relating to taxation; to provide that the Legislature shall set the income and sales tax rates; to set such rates; to provide for an annual report by the Tax Commissioner; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 607. Richendifer, 16th District.

A BILL FOR AN ACT to amend section 79-201, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the ages for required attendance; and to repeal the original section.

LEGISLATIVE BILL 608. C. Carsten, 2nd District.

A BILL FOR AN ACT relating to abandoned cemeteries; to amend section 23-113, Revised Statutes Supplement, 1973, to provide certain optional maintenance; and to repeal the original section.

LEGISLATIVE BILL 609. Clark, 47th District.

A BILL FOR AN ACT to amend section 19-615, Revised Statutes Supplement, 1972, relating to cities of the first class; to change the meeting frequency of the city council; and to repeal the original section.

LEGISLATIVE BILL 610. By Clark, 47th District.

A BILL FOR AN ACT relating to real property; to amend section 76-902, Reissue Revised Statutes of Nebraska, 1943; to change an exemption to the documentary stamp act; and to repeal the original section.

LEGISLATIVE BILL 611. By Clark, 47th District.

A BILL FOR AN ACT to amend section 60-407, Revised Statutes Supplement, 1973, relating to motor vehicle operators' licenses; to provide for the taking of the examination prior to the sixteenth birthday; and to repeal the original section.

LEGISLATIVE BILL 612. By Clark, 47th District.

A BILL FOR AN ACT to amend section 81-8,280, Revised Statutes Supplement, 1973, relating to real estate appraisers; to change requirements for licensure; and to repeal the original section.

LEGISLATIVE BILL 613. By Carpenter, 48th District.

A BILL FOR AN ACT to amend section 77-202.12, Revised Statutes Supplement, 1973, relating to revenue and taxation; to change the definition of household income as prescribed; and to repeal the original section.

LEGISLATIVE BILL 614. By Carpenter, 48th District.

A BILL FOR AN ACT to amend section 32-1134, Revised Statutes Supplement, 1973, relating to corrupt practices; to make it unlawful to give or accept money as prescribed; to provide for penalties; and to repeal the original section.

LEGISLATIVE BILL 615. By Carpenter, 48th District.

A BILL FOR AN ACT to amend section 79-2626, Revised Statutes Supplement, 1973, relating to technical community colleges; to provide for budgets as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 616. By Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 53-158 and 53-175, Reissue Revised Statutes of Nebraska, 1943, section 53-168, Revised Statutes Supplement, 1972, and sections 53-123.04 and 53-124.03, Revised Statutes Supplement, 1973, relating to liquors; to redefine what shall be considered resale; to change provisions relating to common carriers authorized to carry liquors; to change provisions on receiving credit; to change from whom a licensed retailer may purchase liquors; and to repeal the original sections.

LEGISLATIVE BILL 617. By Carpenter, 48th District.

A BILL FOR AN ACT relating to obscenity; to provide for licensing of sellers of obscene material; to provide definitions; to provide for a tax upon the retail sale of obscene material; to prohibit the sale of obscene material to persons under eighteen years of age; to provide procedures; to provide penalties; and to repeal sections 28-921.01 to 28-923, and 28-925 to 28-926.08, Reissue Revised Statutes of Nebraska, 1943, and sections

28-921, 28-926.09, and 28-926.10, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 618. By Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 77-2715 and 77-2715.01, Revised Statutes Supplement, 1973, relating to revenue and taxation; to provide for a residence rental property tax credit as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 619. By Carpenter, 48th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to revenue; to provide the Legislature greater discretion in granting homestead exemptions as prescribed; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 620. By Barnett, 26th District.

A BILL FOR AN ACT to amend sections 29-1816 and 29-2204, Reissue Revised Statutes of Nebraska, 1943, and section 43-202, Revised Statutes Supplement, 1972, relating to juveniles; to give the county courts exclusive jurisdiction of children eighteen years and younger except in counties having established a separate juvenile court; to provide for transferring juvenile cases to the juvenile court; to make the juvenile courts available to district court; and to repeal the original sections, and also sections 83-465 and 83-466, Reissue Revised Statutes of Nebraska, 1943, and section 83-467, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 621. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 80-401.01, Reissue Revised Statutes of Nebraska, 1943, relating to veterans' affairs; to change the requirements necessary to be a recognized disabled veterans' organization; and to repeal the original section.

LEGISLATIVE BILL 622. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 81-501.01, Reissue Revised Statutes of Nebraska, 1943, relating to the State Fire Marshal; to provide a nominating commission to aid in the selection of the State Fire Marshal as prescribed; to provide how members are designated; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 623. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 23-1114.02, 23-1114.03, 23-1114.04, 23-1114.05, and 23-1114.06, Revised Statutes Supplement, 1973, relating to salaries of county officers; to increase the salaries of county sheriffs as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 624. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 33-117.01 and 47-113, Reissue Revised Statutes of Nebraska, 1943, and section 33-117, Revised Statutes Supplement, 1972, relating to county jails; to provide how each county shall be reimbursed for boarding prisoners; to repeal the original sections, and also section 47-113.01, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 625. By Kime, 43rd District.

A BILL FOR AN ACT to amend section 83-424, Reissue Revised Statutes of Nebraska, 1943, and section 83-337, Revised Statutes Supplement, 1972, relating to transporting patients and prisoners to state institutions; to increase mileage allowance to sheriffs; and to repeal the original sections.

ANNOUNCEMENTS

Mr. Luedtke announced the Judiciary Committee would meet in Executive Session today at 2:00 p.m. in the Legislative Council Hearing Room, or immediately upon adjournment, whichever comes sooner.

Mr. Marvel announced the Appropriations Committee would meet in Executive Session at 2:00 p.m. today in Room 1003.

Mr. Carpenter announced the Executive Board will meet Thursday, January 3, 1974 at 1:30 p.m. in their regular meeting room.

STANDING COMMITTEE REPORT**Rules**

Rule 2, Sec. 2 (4/11/73, p. 1216, Sen. Snyder), amend to read:

After the Legislature has adopted its rules of procedure for that session the rules may only be suspended by a four-fifths majority of the elected members by a machine vote, and may only be amended by a four-fifths majority vote of the members elected. Rule changes may be proposed only within the first ten legislative days of each session. Any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Rule 3, Sec. 20 (5/1/73, p. 1432, Sen. Duis), amend to read:

Objection to Reference of Bills. Any member may object to the reference of any bill or other proposition, and correction, in case of error in reference, may be made by the Legislature ~~on any legislative day, immediately following corrections of the daily journal,~~ by unanimous consent, or by the vote of a majority of the elected members.

Rule 3, Sec. 12 (5/1/73, p. 1432, Sen. Duis), amend to read:

If the standing committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; Provided, that such bill may be placed on General File or referred back to the standing committee by a majority vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. ~~Consideration of motions pending shall be included in the regular order of business following resolutions.~~

Rule 4, Sec. 11 (5/7/73, p. 1525, Sen. Syas), amend to read:

A committee, when reporting out a resolution shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

(Signed) Herbert J. Duis, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 626. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 8-822, Revised Statutes Supplement, 1973, relating to banks; to clarify how delinquency charges shall be computed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 627. By Stahmer, 8th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VII of the Constitution of Nebraska, relating to education by adding thereto a new section 18 and repealing sections 10 and 13 thereof; to vest the general government of the University of Nebraska and such

state colleges and other institutions of post high school education as may be established by law in a board to be known as the State Board of Higher Education under the direction of the Legislature; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 628. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 23-1206.01 and 23-1206.02, Reissue Revised Statutes of Nebraska, 1943, and section 23-1114.06, Revised Statutes Supplement, 1973, relating to county officers; to provide that county attorneys and deputy county attorneys in counties of more than sixty thousand inhabitants shall not engage in private practice or refer legal matters; to provide that salaries of Class 5 county attorneys shall be established by the county board; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 629. By Keyes, 3rd District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to provide for approval of a comprehensive plan; and to provide procedures.

LEGISLATIVE BILL 630. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 23-2503 and 23-2509, Revised Statutes Supplement, 1972, relating to county government; to provide for a Civil Service Commission in counties with sixty thousand inhabitants or more; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 631. By Maresh, 32nd District.

A BILL FOR AN ACT relating to political subdivisions; to authorize contributions by counties and municipalities to nonprofit organizations as prescribed.

LEGISLATIVE BILL 632. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1973; to change the food sales tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 633. By Stull, 49th District.

A BILL FOR AN ACT relating to the Game and Parks Commission; to appropriate twenty-five thousand dollars from the state General Fund for the period ending June 30, 1974, for the purpose of drilling a well to furnish water to Lake Walgren in Sheridan County, Nebraska; and to declare an emergency.

LEGISLATIVE BILL 634. By Stull, 49th District.

A BILL FOR AN ACT to amend section 79-202, Revised Statutes Supplement, 1973, relating to compulsory education; to provide an exception to compulsory attendance when there is not sufficient fuel or energy to maintain a school; and to repeal the original section.

LEGISLATIVE BILL 635. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 24-532, Revised Statutes Supplement, 1972, relating to fees and costs in the county court; to provide that the county treasurer shall monthly transmit seventy-five per cent of the fees and costs in the county court to the State Treasurer and twenty-five per cent of the fees and costs in the county court to the county treasurer as prescribed; and to repeal the original section.

LEGISLATIVE BILL 636. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 16-626, 16-671.01, 16-672.11, 17-925, 17-975, 18-2003, and 19-2406, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide the payment provisions for work on prescribed works of internal improvement; to provide for payment of interest on delayed payments; and to repeal the original sections.

LEGISLATIVE BILL 637. By Warner, 25th District.

A BILL FOR AN ACT relating to the Department of Health; to provide a physical fitness program; to prescribe functions; to provide personnel; to provide an advisory committee; and to allow acceptance of grants.

LEGISLATIVE BILL 638. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 84-1401, 84-1402, 84-1404, 84-1405, and 84-1406, Revised Statutes Supplement, 1972, relating to the Public Meetings Law; to extend provisions to special study committees; to provide that executive sessions shall be open to the news media as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 639. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend sections 81-8,163, 81-8, 167, and 81-8,181, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to increase salaries of members of the Nebraska Collection Agency Board; to increase the investigation fee for collection businesses; to increase license and renewal fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 640. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend sections 77-27,149, 77-27,150, 77-27,151, and 77-27,155, Revised Statutes Supplement, 1972, relating to the Water Pollution Control Tax Refund Act; to redefine terms; to broaden the act to include air pollution; to extend the duties of the Department of Health and the Department of Environmental Control; to provide how the act may be cited; and to repeal the original sections.

LEGISLATIVE BILL 641. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 2-3214, Revised Statutes Supplement, 1972, relating to natural resources district; to provide for an alternate manner of election of directors; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 642. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 48-120, Revised Statutes Supplement of Nebraska, 1972, relating to workmen's compensation; to authorize an employee to select his own doctor as prescribed; and to repeal the original section.

LEGISLATIVE BILL 643. By Simpson, 46th District.

A BILL FOR AN ACT relating to safety; to provide for the design or equipping of cabin trailers and mobile homes for protection against severe high wind conditions; and to provide for approval of such design or equipment.

LEGISLATIVE BILL 644. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 81-815.06, Reissue Revised Statutes of Nebraska, 1943, relating to the State Boat Act; to provide an exception to the requirement that everywatercraft carry life preservers or other flotation devices as prescribed; and to repeal the original section.

LEGISLATIVE BILL 645. By Richendifer, 16th District.

A BILL FOR AN ACT to amend section 12-521, Reissue Revised Statutes of Nebraska, 1943, relating to cemetery districts; to provide for the disposition of real estate other than by sale as prescribed; and to repeal the original section.

LEGISLATIVE BILL 646. By Kime, 43rd District.

A BILL FOR AN ACT to amend section 32-307, Reissue Revised Statutes of Nebraska, 1943, relating to the clerk of the district court; to reduce the population required for election of the clerk; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 647. By Kime, 43rd District.

A BILL FOR AN ACT to amend section 24-339.01, Revised Statutes Supplement, 1972, relating to reporters of the district court; to provide a mileage allowance; to repeal the original section; and to declare an emergency.

ANNOUNCEMENT

Mr. Richendifer announced a caucus of the freshman and women senators immediately following adjournment in the Senators Lounge.

RESOLUTIONS

LEGISLATIVE RESOLUTION 94.

Introduced by Johnson, 15th District.

WHEREAS, under first-year head coach Tom Osborne, the University of Nebraska 1973 football team has just completed a very successful season with a record of nine victories, two losses, and one tie; and

WHEREAS, the season was climaxed on New Year's Day with an impressive 19-3 triumph over the Southwestern Conference champions the Texas Longhorns.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby congratulates coach Tom Osborne, each member of his staff, and each member of the Nebraska football team for its accomplishments during the 1973 season.

2. That a copy of this resolution be sent by the Clerk of the Legislature to coach Tom Osborne.

Mr. Barnett moved to suspend the rules and consider LB 94 today. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

LR 94 was adopted with 39 ayes, 0 nays and 10 not voting.

ANNOUNCEMENT

Mr. Schmit announced the Agriculture and Recreation Committee will meet in executive session immediately upon adjournment.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 648. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 71-3101, 71-3102, 71-3103, 71-3104, 71-3105, 71-3106, and 71-3107, Reissue Revised Statutes of Nebraska, 1943, relating to recreation camps; to define terms; to provide a system of licenses and permits for resident camps; to provide duties of the Department of Health as prescribed; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 649. By Stromer, 36th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to provide that the members of the Legislature shall be elected in a partisan manner; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

MOTION—Withdraw LB 237

Mr. Carpenter moved to withdraw LB 237. Motion pending.

UNANIMOUS CONSENT—Unbracket Bills

Mr. Carpenter asked unanimous consent to unbracket all bills on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 7. Title Read. Considered.

Standing Committee amendment found in the Journal on page 925, Fifty-fifth Day (First Session) was adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 128. Title Read. Considered.

Mr. Stromer asked unanimous consent to have the bill laid over. No objections. So ordered.

Mr. Waldron asked unanimous consent to have the following amendment to LB 128 printed in the Journal. No objections. So ordered.

In Section 1, line 4, 10, 11 strike "color photograph" and strike "photographs" in line 14.

In Section 2, page 3, line 6 strike "color photograph".

Insert in each of the above case "the print of the right index finger".

Strike any reference to a fee increase.

LEGISLATIVE BILL 230. Laid over at request of Mr. Hasebroock.

LEGISLATIVE BILL 238. Bracketed until January 7, 1974 at the request of Mr. Carpenter.

LEGISLATIVE BILL 359. Bracketed at the request of Mr. Warner.

LEGISLATIVE BILL 458. Laid over.

LEGISLATIVE BILL 389. Title read. Considered.

Standing Committee amendment found in the Journal on page 838, Fiftieth Day (First Session) was adopted.

Advanced to E & R for Review with 39 ayes, 0 nays and 10 not voting.

LEGISLATIVE BILL 104. Bracketed until Monday, January 7, 1974 at the request of Mr. Syas.

LEGISLATIVE BILL 153. Bracketed at the request of Mr. Waldron.

LEGISLATIVE BILL 161. Bracketed at the request of Mr. Waldron.

LEGISLATIVE BILL 396. Title read. Considered.

Bracketed until Monday, January 7, 1974 at the request of Mr. Carpenter.

LEGISLATIVE BILL 499. Laid over at the request of Mr. Luedtke.

LEGISLATIVE BILL 127. Bracketed until Monday, January 21, 1974 at the request of Mr. Luedtke.

LEGISLATIVE BILL 131. Title Read. Considered.

Standing Committee amendments found in the Journal on page 878, Fifty-Third Day (First Session) were adopted.

Advanced to E & R Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 92. Title Read. Considered.

Mr. Whitney moved to bracket LB 92 until Wednesday, January 9, 1974. The motion prevailed.

Mr. Barnett asked unanimous consent to print the following amendment to LB 92 in the Journal. No objections. So ordered.

To amend Page 3 of LB 92 by eliminating all the language on lines 22 after the word "enrolled" and including that complete sentence through the word "year" on line 26.

LEGISLATIVE BILL 217. Title read. Considered.

Mr. Chambers offered the following amendments which were adopted.

Page 3, Sec. 1, line 26, strike "1974" and insert "1976"
Sec. 1, page 4, line 1, strike "1976" and insert "1978"

Mr. Syas moved to indefinitely postpone.

Mr. Fellman moved the previous question. The question is "Shall the debate now cease?". The motion lost with 17 ayes, 19 nays and 13 not voting.

The Syas motion to indefinitely postpone lost with 7 ayes, 32 nays and 10 not voting.

Advanced to E & R Review with 38 ayes, 5 nays and 6 not voting.

UNANIMOUS CONSENT – Member Excused

Mr. Syas asked unanimous consent to be excused this afternoon. No objections. So ordered.

MOTION – Withdraw LB 78

Mr. Clark moved to withdraw LB 78. Motion pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 650. By Stahmer, 8th District.

A BILL FOR AN ACT to amend section 39-771, Revised Statutes Supplement, 1972, relating to motor vehicles; to eliminate studded tires;

and to repeal the original section.

LEGISLATIVE BILL 651. By DeCamp, 40th District.

A BILL FOR AN ACT to exempt that portion of the State of Nebraska lying within the Central Standard Time zone from the provisions of subsection 3 (a) of the Emergency Daylight Saving Time Energy Conservation Act of 1973; and to declare an emergency.

LEGISLATIVE BILL 652. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 18-2001, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, all; to increase the footage any city or village may, without petition or creating a street improvement district, grade, curb, gutter and pave any portion of a street; and to repeal the original section.

LEGISLATIVE BILL 653. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 25-2505, Revised Statutes Supplement, 1973, relating to public notice; to eliminate the provisions for public notice when no authority exists to exercise eminent domain proceedings; and to repeal the original section.

LEGISLATIVE BILL 654. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 18-1722.01, Revised Statutes Supplement, 1973, relating to cities and villages, all; to clarify provisions; and to repeal the original section.

LEGISLATIVE BILL 655. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 18-1216, 18-1217, 18-1218, 18-1219, and 18-1220, Revised Statutes Supplement, 1973, relating to cities and villages, all; to eliminate cities of the metropolitan class from the requirement of notice by political subdivisions imposing any special assessment for public works or public improvements; and to repeal the original sections.

LEGISLATIVE BILL 656. By Goodrich, 20th District.

A BILL FOR AN ACT relating to public utilities; to authorize cities and villages of Nebraska which operate electric generating facilities or distribution facilities, or both, public power districts and nonprofit cooperatives engaged in supplying and distributing electricity to participate with each other and with municipal corporations and political

subdivisions of other states in the planning, financing, acquisition, construction, ownership, operation, and maintenance of nuclear and other thermal power plants and related transmission facilities within the State of Nebraska; to provide for construction; and to provide severability.

APPRECIATION

Note of appreciation from the George Gerdes family was received.

RECESS

At 12:14 p.m., on a motion by Mr. C. Carsten, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Epke and Syas who were excused and Mr. Chambers who was absent until 2:30. p.m.

COMMUNICATIONS

January 1, 1974

Mr. Vincent D. Brown
Executive Director
Legislative Council
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

In compliance with Section 81-8,226, Revised Statutes of Nebraska, 1972 Cumulative Supplement, enclosed is a report of all claims and judgements paid under the State Tort Claims Act during 1973.

Sincerely yours,

(Signed) Miss Betty Stukenholtz
Secretary, State Claims Board

Enclosure

(Reports on file in Clerk's office)

January 1, 1974

Mr. Vincent D. Brown
Executive Director
Legislative Council
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

In compliance with Sections 48-192 to 48-1,109, Revised Statutes Supplement, 1972, enclosed is a listing of all state workmen's compensation claims and judgements paid for fiscal year 1972-1973.

Sincerely yours

(Signed) Miss Betty Stukenholtz
Secretary, State Claims Board

Enclosure

(Reports on file in Clerk's office)

December 21, 1973

The Honorable J. James Exon
Governor of the State of Nebraska
State Capitol Building
Lincoln, Nebraska 68509

and

Mr. President, Mr. Speaker and
Members of the Eighty-Third
Legislature, Second Session
State Capitol Building
Lincoln, Nebraska 68509

Dear Governor Exon and Members of the Legislature:

In accordance with the provisions of Legislative Bill No. 374, Eighty-Third Legislature, First Session, I am submitting herewith a one year and a long-range five year plan of scheduled design, construction, and improvement for all exterior access road and interior service roads as certified to the Department of Roads by the Game and Parks Commission as provided under Section 39-1390, Revised Statutes Supplement, 1972.

This report is presented on the basis of fiscal year programs rather than calendar year programs, since both the Department of Roads and the Game and Parks Commission currently operate on a fiscal year basis.

Legislative Bill No. 374 provides that only projects certified by the Game and Parks Commission may be included in the Department of Roads One and Five Year Program. Consequently, the Five Year Program we have submitted does not reflect an accurate picture of the program. The report by the Game and Parks Commission will show a more accurate picture of the Five Year Program. It is our understanding that the Game and Parks Commission will provide project certifications from their Five Year Program early in 1974. Our report at the end of next year for the Five Year Program, based on available funds, will reflect these additional certifications.

It should be recognized that if for any unforeseen reason a FY 1975 One Year Program project cannot be let to construction, certified projects may be advanced from the Five Year Program with the concurrence of the Game and Parks Commission.

It should be noted that in developing the Department of Roads One Year and Five Year Program for State Recreation Roads, we have initiated the following policy. The Department of Roads One Year Program will be developed within the projected funds available one fiscal year beyond the time frame of the One Year Program. The One Year Program for FY 1975 will consist of FY 1975 and FY 1976 funds. Similarly our Five Year Program for FY 1976 through FY 1980 will consist of FY 1977 through FY 1981 funds. Notwithstanding the certifications or programs by the Game and Parks Commission, our One Year and Five Year Programs shall be based on the above policy.

Obligation of funds one year in advance will allow maximum utilization of the State Recreation Road Funds, since payout to contractors usually occurs approximately one year after the funds are obligated and let to contract.

Attached hereto are the following documents for your review.

1. Program for the period from January 1, 1974 to June 30, 1974.
2. One Year Program for FY 1975 (July 1, 1974 to June 30, 1975).
3. Five Year Program for FY 1976 through FY 1980 (July 1, 1976 through June 30, 1980).
4. A Financial Report of the State Recreation Road Fund showing:
 - a. Status of the State Recreation Road Fund as of December 31, 1973.
 - b. Projected Status of the State Recreation Road Fund as of June 30, 1974.
 - c. Projected Status of the State Recreation Road Fund as of June 30, 1975. (Includes FY 1976 funds)
 - d. Projected Status of the State Recreation Road Fund for the Five Year Program. (Includes FY 1981 funds)

5. Report of the design, construction and improvements accomplished during calendar year 1971, 1972, and 1973.

In summary, it will be noted that all available State Recreation Road Funds as of December 31, 1973, have been obligated and let to contract except for an amount of \$11,115. The three (3) projects which are scheduled for letting early in 1974 will result in an obligation in excess of current revenues in the amount of \$468,325 as of June 30, 1974. In late 1974 or early 1975 when the entire FY 1975 One Year Program is let to contract practically all State Recreation Road Funds available through June 30, 1976, will have been obligated and let to contract. This will achieve our stated objective of obligating State Recreation Road Funds one year in advance of actual receipt.

I call your attention to the fact that the 1973 State Recreation Road Program has been the largest in terms of numbers of projects, miles of road improved and dollar volume of construction since the inception of the program in 1963. In that regard, we wish to acknowledge the cooperation of the Game and Parks Commission in providing certified projects, since this action in 1972 contributed materially to the progress of the program during calendar year 1973.

If additional details or explanation of our part in the State Recreation Road Program is desired, we shall be pleased to provide them on request.

Yours very truly,

DEPARTMENT OF ROADS

(Signed) Thomas D. Doyle
Director-State Engineer

TDD:eph

Attach.

cc: C. F. Nutter
James R. Holmes

(Plan on File in Clerk's Office)

GENERAL FILE

LEGISLATIVE BILL 377. Title read. Considered.

Mr. Simpson offered the following amendment which was adopted:

1. On page 2 line 11 after "that" insert "in all counties having a

population of more than 150,000 inhabitants and less than 200,000 inhabitants," the aggregate amount of all payroll claims may be included as one item.

Mr. Richendifer offered the following amendment:

1. On page 2, line 11, insert "as otherwise provided in this section" after "that"; and at the end of line 11 insert "A complete list of all employees and the salary of each shall be published in July of each year. Whenever any change of salary is made, notice of such change, stating the name of the employee and both the old and new salary, shall also be published.".

Mr. Richendifer offered the following amendment to his amendment:

Line 12, change one to all

Line 13, Change Newspaper to Newspapers Amendments pending.

Mr. Carpenter offered the following amendment:

Inline 6, strike "shall" and insert "may". Amendment pending.

Laid over at the request of Mr. Richendifer.

LEGISLATIVE BILL 288. Bracketed until January 21 at request of Mr. DeCamp.

UNANIMOUS CONSENT-Member Excused

Mr. Anderson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 502. Title read. Considered.

Mr. Luedtke asked unanimous consent to have LB 502 laid over. Mr. Carpenter objected.

Mr. Whitney asked unanimous consent to have LB 502 laid over until a fiscal note has been prepared. No objections. So ordered.

LEGISLATIVE BILL 434. Laid over until Friday, January 4, 1974 at the request of Mr. Waldron.

LEGISLATIVE BILL 490. Bracketed at the request of Mr. Kremer.

LEGISLATIVE BILL 323. Title read. Considered.

Bracketed until January 17, 1974 at the request of Mr. Marvel.

LEGISLATIVE BILL 438. Title read. Considered.

Standing Committee amendment found in the Journal on page 1006 for the Fifty-ninth Day (First Session) was adopted.

Advanced to E & R for Review with 26 ayes, 4 nays and 19 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Carpenter asked unanimous consent to have the following amendment to LB 438 printed in the Journal and considered on Select File. No objections. So ordered.

1. On page 4 line 17 insert a new section 2 as follows:

“Sec. 2. That section 75-311, Revised Statutes Supplement, 1972, be amended to read as follows:

75-311. A certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found after notice and hearing that the applicant is fit, willing, and able properly to perform the service proposed, and to conform to the provisions of sections 75-301 to 75-322.01 and the requirements, rules, and regulations of the commission thereunder and that the proposed service, to the extent to be authorized by the certificate, whether regular or irregular, passenger or property, is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied. After a certificate is issued by the commission, the commission shall review at five-year intervals from the date of issuance every certificate issued by such commission. If upon review by the commission or its staff, there is not sufficient traffic over any portion of any carrier's certificate to justify its continuance on the basis of public convenience and necessity, the commission shall give notice of a hearing to all interested parties and conduct a hearing on the question of whether public convenience and necessity requires the continuance of any certificate or portion of a certificate. After such hearing, the commission shall state in writing its findings and determination and its order in the matter. If the commission shall determine that any certificate or portions of a certificate is not required on the basis of public convenience and necessity, such certificate or portions thereof shall be revoked. A permit shall be issued to any qualified applicant therefor, authorizing in whole or in part the operations covered by the application, if it appears after notice and hearing from the application or from any hearing

28 held thereon that the applicant is fit, willing, and able properly to per-
 29 form the service of a contract carrier by motor vehicle, and to conform
 30 to the provisions of sections 75-301 to 75-322.01 and the lawful require-
 31 ments, rules and regulations of the commission thereunder, and that the
 32 proposed operation, to the extent authorized by the permit, will be consistent
 33 with the public interest by providing services designed to meet the distinct
 34 needs of each individual customer or a specifically designated class of
 35 customers as defined in subdivision (10) of section 75-302. Otherwise,
 36 such application shall be denied. No person shall at the same time hold
 37 a certificate as a common carrier and a permit as a contract carrier author-
 38 izing operation for the transportation of property by motor vehicles over
 39 the same route or within the same territory, unless for good cause shown
 40 the commission shall find that it is consistent ~~such certificate and~~
 41 ~~permit may be held consistently~~ with the public interest and with the
 42 policy declared in section 75-301."

2. Renumber section 2 as section 3.

3. On page 4 line 17 strike "section" and insert "sections";
 strike the comma after "75-303" and insert "and 75-311"; in line 18 strike
 "is" and insert "are".

GENERAL FILE

LEGISLATIVE RESOLUTION 8. Bracketed until January 8, 1974 at the request of Mr. Maresh.

UNANIMOUS CONSENT—Change of Order

Mr. Richendifer asked unanimous consent to consider LB 377 at this time on General File. Mr. Snyder objected.

GENERAL FILE

LEGISLATIVE BILL 471. Bracketed at the request of Mr. Warner.

LEGISLATIVE BILL 48. Bracketed until January 21, 1974 at the request of Mr. Stahmer.

MOTION—Return LB 302 to Committee

Mr. Marvel moved to return LB 302 to the Public Health and Welfare Committee for a public hearing.

Mr. Carpenter moved to amend the motion to direct the Clerk to reprint the bill with all known amendments printed therein. The Carpenter amendment prevailed.

The Marvel motion, as amended, prevailed with 29 ayes, 0 nays and 20 not voting.

GENERAL FILE

LEGISLATIVE BILL 361. Bracketed at the request of Mr. Stahmer.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 657. By Warner, 25th District.

A BILL FOR AN ACT to amend section 77-211, Revised Statutes Supplement, 1973, relating to taxation; to include any property for taxation which is leased or operated by a political subdivision, tax-exempt corporation, or proprietorship; and to repeal the original section.

LEGISLATIVE BILL 658. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 25-1588, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Enforcement of Foreign Judgments Act; to require a fee for registering foreign judgments; to provide how such fee shall be used; and to repeal the original section.

LEGISLATIVE BILL 659. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 48-152 and 48-153, Reissue Revised Statutes of Nebraska, 1943, sections 48-106 and 48-114, Revised Statutes Supplement, 1972, and section 48-115, Revised Statutes Supplement, 1973, relating to workmen's compensation; to redefine terms; to change exemptions; to provide an additional judge for the court; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 660. By Duis, 39th District.

A BILL FOR AN ACT relating to the Nebraska Commission on Aging; to authorize the commission to receive and expend state and federal funds for assisting local and county subdivisions providing transportation services for the elderly as prescribed; to amend section 68-1105, Reissue Revised Statutes of Nebraska, 1943; to correct a term; and to repeal the original section.

LEGISLATIVE BILL 661. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 5-104.07, Revised Statutes Supplement, 1972, relating to legislative apportionment; to transfer Grand

Island precinct No. 15 from district 36 to district 35; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 662. By Kelly, 35th District.

A BILL FOR AN ACT relating to locksmiths; to require registration; to provide a registration fee; to provide for administration; and to provide a penalty.

GENERAL FILE

LEGISLATIVE RESOLUTION 25. Read and Considered.

LR 25 was adopted with 34 ayes, 3 nays and 12 not voting.

LEGISLATIVE BILL 567. Title read. Considered.

Mr. Whitney offered the following amendment to the Standing Committee amendment, which was adopted:

Amend the Standing Committee amendment 2 by inserting "7 and" before "12".

Standing Committee amendments found in the Journal on page 1354 for the Seventieth Day (First Session) were adopted, as amended.

Advanced to E & R for Review with 26 ayes, 3 nays and 20 not voting.

LEGISLATIVE BILL 584. Bracketed at the request of Mr. Chambers.

LEGISLATIVE BILL 569. Title read. Considered.

Standing Committee amendment found in the Journal on page 1356 for the Seventieth Day was adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

ANNOUNCEMENT

Mr. Schmit announced the meeting the Agriculture and Recreation Committee scheduled for this afternoon would be canceled.

ADJOURNMENT

At 3:53 p.m., on a motion by Mr. R. Lewis, the Legislature adjourned until 9:00 a.m., Thursday, January 3, 1974.

Vincent D. Brown
Clerk of the Legislature

THIRD DAY—JANUARY 3, 1974

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 3, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the chaplain.

Our Father God, again at the dawn of a new day we turn unfilled to Thee. Take Thou the dimness of our souls away. Facing fresh duties, we would first search our own souls. May Thy holy powers of renewal be felt in every heart, and may all that has been withered in us be spiritually restored. May weights of despair be changed to wings of hope. May disappointments be changed into radiant expectations. May any bitterness of selfishness lurking in our hearts be transformed into a love that thinketh no evil and seeketh not its own. Scorning expediency and false compromise, may we be true to all truth the world denies, not tongue-tied by any lies, or persuaded by the wrong pressures, but faithful to the light which thou hast placed within us. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Chambers who was absent until 9:15 a.m.

CORRECTIONS FOR THE JOURNAL

First Day:

Renumber First Day Journal pages to read 77, 78, 79 and 80.

Second Day:

Page 124, line 23, insert:

"Mr. Carpenter moved to withdraw LB 237. Motion pending.

UNANIMOUS CONSENT—Unbracket Bills"

Page 125, line 23, delete "1" and insert "7".

Page 110, line 23, insert "Barnett, Fellman, Fowler, Goodrich, Hasebroock".

The Journals for the First and Second Days were approved as corrected.

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business the President signed LR 25 and LR 94.

RESOLUTIONS

LEGISLATIVE RESOLUTION 95.

Introduced by Stull, 49th District.

WHEREAS, The doctrine of strenuous life has become symbolic of truly great men, so it was with Nebraska's GEORGE C. GERDES. George Gerdes was the Executive Director of the Nebraska Legislative Council, served as a member of the Nebraska Legislature from 1958 to 1968, was active in the development of rural electrification, the rural Bell Telephone expansion, was an energetic participant in Nebraska Stockgrowers Association, one of the first members of the Board of Directors of the Nebraska Boy's Ranch, aided in organizing the Nebraska Wheatgrowers Association, and devoted much time to other progressive agricultural organizations. George was a recipient of the University of Nebraska, Nebraska Builder Award and was voted the Most Able Nebraska Legislator by his fellow Senators in 1967. George has been described as "Not articulate, hardly flamboyant — not a showboat — what he was, was a rock of integrity, ever as good as his word, and a pool of wisdom; and

WHEREAS, George has assured himself of lasting memory for he lives in the hearts of everyone that he left behind; and

WHEREAS, George C. Gerdes experienced his last great adventure on August 17, 1973 in his favorite meadow tending the land he loved.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That the Legislature extend its sympathy to the survivors of George C. Gerdes.

2. That the Legislature wishes to recognize the valuable contributions he made to the State of Nebraska and acknowledge and honor the pioneer spirit and courage, he used to promote and develop needed progressive programs in the State of Nebraska.

3. That a copy of this resolution be presented to the family of George C. Gerdes as a tribute to his untiring intellect and interest in making Nebraska a better place to live.

4. That the Legislature stand for a moment of silent tribute to his memory.

Mr. Stull moved to suspend the rules to consider LR 95 today. The motion prevailed with 39 ayes, 0 nays and 10 not voting.

LR 95 was adopted with 48 ayes, 0 nays and 1 not voting.

The members stood for a moment of silence. The Chaplain offered a memorial prayer to Mr. Gerdes.

LEGISLATIVE RESOLUTION 96.

Introduced by Marsh, 29th District; Chambers, 11th District; Stromer, 36th District; Barnett, 26th District; Hasebroock, 18th District; Duis, 39th District; Clark, 47th District; Savage, 10th District; Lewis, 45th District; Fowler, 27th District; Cavanaugh, 9th District; Rasmussen, 41st District; Maresh, 32nd District; Kelly, 35th District; Schmit, 23rd District; Simpson, 46th District; Nore, 22nd District; Epke, 24th District; Marvel, 33rd District; Fellman, 4th District; Luedtke, 28th District; Snyder, 14th District; Stahmer, 8th District; Skarda, 7th District; Anderson, 37th District; Keyes, 3rd District; C. Carsten, 2nd District; Goodrich, 20th District; DeCamp, 40th District; R. Lewis, 38th District; F. Carstens, 30th District; Richendifer, 16th District; Carpenter, 48th District; Proud, 12th District.

WHEREAS, recent years have seen an alarming increase in the number of teenage pregnancies in the United States and in the State of Nebraska; and

WHEREAS, statistics also indicate that it is a problem increasingly involving ever younger members of this age category; and

WHEREAS, many of these teenage parents are not receiving needed educational services because of inadequate information, communication, understanding, and restrictive policies; and

WHEREAS, this situation can adversely affect the futures of these school age parents; and

WHEREAS, not only does the Constitution of Nebraska provide that free instruction in the common schools shall be provided all persons between the ages of five and twenty-one, but the trend of recent court decisions indicates that neither marriage nor pregnancy is adequate ground for excluding persons from their right to an education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That this problem be recognized and approached in an understanding and constructive way by all those involved in the state.

2. That all school boards and officials in particular take whatever steps are needed to insure that pregnant girls of school age, whether married or unmarried, receive the full benefits of the educational system and that they be allowed to continue their educations as easily and as quickly as possible.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 663. By F. Carstens, 30th District.

A BILL FOR AN ACT to amend section 8-127, Reissue Revised Statutes of Nebraska, 1943, relating to banks; to require banks to file a list of stockholders with the Department of Banking; to provide for furnishing a copy of such list to interested parties; and to repeal the original section.

LEGISLATIVE BILL 664. By F. Carstens, 30th District.

A BILL FOR AN ACT to amend section 77-2037, Revised Statutes Supplement, 1973, relating to taxation; to change the time for bringing action on inheritance tax liens; and to repeal the original section.

LEGISLATIVE BILL 665. By F. Carstens, 30th District.

A BILL FOR AN ACT to amend section 48-1202, Revised Statutes Supplement, 1973, relating to minimum wage scale; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 666. By F. Carstens, 30th District.

A BILL FOR AN ACT relating to courts; to provide for termination of the lien on real estate of unpaid judgments for court costs; to amend section 29-2407, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 667. By Stull, 49th District.

A BILL FOR AN ACT to amend section 79-4,167, Revised Statutes Supplement, 1973, relating to schools; to clarify provisions; and to repeal the original section.

LEGISLATIVE BILL 668. By Waldron, 42nd District.

A BILL FOR AN ACT to provide for transfer of the Wild West Arena and all right, title, and interest in and to a certain lease for the Strategic Air Command Museum from the Game and Parks Commission to the Department of Economic Development as prescribed; to provide for fees and the use thereof; and to declare an emergency.

LEGISLATIVE BILL 669. By Judiciary Committee: Luedtke, 28th District, Chairman; Fellman, 4th District; Carpenter, 48th District; Richendifer, 16th District; Stull, 49th District; Chambers, 11th District; Barnett, 26th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 2-211, 2-212, 2-1559, 10-603, 11-126, 23-121, 23-250.01, 23-320.09, 23-324.05, 23-1210, 24-321, 29-104, 29-1408, 30-240, 33-126.03, 38-609.01, 39-1813, 72-418, 77-1901, 77-1918, 77-2018.01, 77-2018.02, 77-2018.03, 77-2024, and 77-2029, Reissue Revised Statutes of Nebraska, 1943, sections 11-125, 23-120, 28-724, and 32-308, Revised Statutes Supplement, 1972, and sections 11-119, 23-1114.02, 23-1114.03, 23-1114.04, 23-1114.05, 23-1114.06, 32-1040, and 71-1631, Revised Statutes Supplement, 1973, relating to county officers; to provide for district attorneys and their duties; to provide for attorneys representing the county to be retained by the county board as prescribed; to transfer certain duties of the county attorney to other county officers as prescribed; to provide for transfer of duties; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 670. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Richendifer, 16th District; Chambers, 11th District; Fellman, 4th District; Barnett, 26th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to probate proceedings; to harmonize provisions with Legislative Bill 354, Eighty-third Legislature, First Session, 1973; to amend sections 8-201, 8-317, 16-634, 21-20,105, 25-307, 25-308, 25-309, 25-819, 30-1601, 30-1610, 31-822, 42-105, 77-2004, 77-2018.01, and 77-2018.02, Reissue Revised Statutes of Nebraska, 1943, sections 24-541, 24-554, 24-559, 24-601, 30-1603, 31-415 and 49-801, Revised Statutes Supplement, 1972, and section 24-536, Revised Statutes Supplement, 1973; to provide an operative date; and to repeal the original sections.

MOTIONS—Withdraw LB 237—LB 78

Mr. Carpenter renewed his pending motion, found in the Journal on page 124 for the Second Day, to withdraw LB 237. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

Mr. Clark renewed his pending motion, found in the Journal on page 126 for the Second Day, to withdraw LB 78. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

MOTION—Daylight Savings

Mr. Waldron moved that we advise the Governor that the Legislature and the people of Nebraska oppose Daylight Savings Time and ask the Governor to appeal to the President to exempt Eastern Nebraska from Daylight Savings Time, thereby placing all of Nebraska in Mountain Daylight Time.

Mr. Rasmussen requested a record vote.

Voting in the affirmative, 19:

Burbach	C. Carsten	F. Carstens	Cavanaugh	DeCamp
Dickinson	Duis	Epke	Hasebroock	Kime
Kremer	R. Lewis	Mahoney	Maresh	Rasmussen
Richendifer	Schmit	Waldron	Warner	

Voting in the negative, 29:

Anderson	Barnett	Carpenter	Chambers	Clark
Fowler	Goodrich	Johnson	Kelly	Kennedy
Keyes	F. Lewis	Luedtke	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Savage
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Whitney	Wiltse	

Not voting, 1:

Fellman

The motion lost with 19 ayes, 29 nays and 1 not voting.

ANNOUNCEMENT

Mr. Carpenter announced the Executive Board would meet this afternoon at 1:00 p.m. instead of 1:30 p.m.

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused until 11:30 a.m. today. No objections. So ordered.

MOTION—Adopt Rule Changes

Mr. Duis moved the adoption of the Rules Committee Report found in the Journal on pages 118 and 119 for the Second Day.

The amendment to Rule 3, Sec. 20 (Duis) was adopted with 32 ayes, 0 nays and 17 not voting.

The amendment to Rule 3, Sec. 12 (Duis) was adopted with 33 ayes, 0 nays and 16 not voting.

The amendment to Rule 4, Sec. 11 (Syas) was adopted with 32 ayes, 0 nays and 17 not voting.

Mr. Simpson offered the following amendment to proposed rule change to Rule 2, Sec. 2:

Strike the word "proposed" in the second sentence and insert "adopted".

The amendment was adopted.

Mr. Simpson requested a division of the question on the amendment to Rule 2, Sec. 2 (Snyder).

The rule change on amending the Rules by 4/5 majority lost 20 ayes, 19 nays and 10 not voting.

The rule change on suspending the Rules by 4/5 majority lost with 22 ayes, 19 nays and 8 not voting.

ANNOUNCEMENT

Mr. Marvel announced he has placed on the members desks the Budget Recommendations for the operation of State Government for 1974-75. Mr. Marvel discussed the book with the members.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 671. By Stahmer, 8th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to authorize cities of the metropolitan class to adopt an ordinance imposing a payroll wage and earnings tax.

LEGISLATIVE BILL 672. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 9-307, Uniform Commercial Code; to delete an exception to the taking free of a security interest; and to repeal the original section.

LEGISLATIVE BILL 673. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 70-1018, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Power Review Board;

to change the manner in which disputes are settled as prescribed; and to repeal the original section.

LEGISLATIVE BILL 674. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 70-1017, Reissue Revised Statutes of Nebraska, 1943, relating to power districts and corporations; to provide for the furnishing of economically reasonable service; and to repeal the original section.

LEGISLATIVE BILL 675. By R. Lewis, 38th District.

A BILL FOR AN ACT to repeal section 18-129, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, all.

LEGISLATIVE BILL 676. By Stull, 49th District.

A BILL FOR AN ACT to amend section 27, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, relating to appropriations; to change appropriations to the Game and Parks Commission; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 677. By Kelly, 35th District.

A BILL FOR AN ACT relating to elections; to provide how all campaign receipts and expenditures shall be handled; and to provide a penalty.

LEGISLATIVE BILL 678. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 19-601, Reissue Revised Statutes of Nebraska, 1943, and section 19-621, Revised Statutes Supplement, 1972, relating to cities and villages, particular classes; to redefine terms; to provide for regular municipal elections except as otherwise provided by law; and to repeal the original sections.

LEGISLATIVE BILL 679. By Barnett, 26th District.

A BILL FOR AN ACT to amend sections 39-727.07 and 39-727.15, Revised Statutes Supplement, 1972, relating to drunken driving; to provide for tests by qualified technicians; and to repeal the original sections.

LEGISLATIVE BILL 680. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 8-823, Revised Statutes Supplement, 1973, relating to banks; to remove the restriction against

taking real estate as security for a personal loan; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 681. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 20-113, Reissue Revised Statutes of Nebraska, 1943, relating to civil rights; to provide adoption of ordinances by incorporated cities and resolutions by counties which are more comprehensive in the protection of civil rights; to provide for the revocation of liquor licenses because of discrimination; and to repeal the original section.

ANNOUNCEMENT

Mr. Luedtke announced that the Judiciary Committee will meet in Executive Session today at 2:30 p.m. in the Legislative Council Hearing Room.

RESOLUTIONS

LEGISLATIVE RESOLUTION 97.

Introduced by Stahmer, 8th District.

WHEREAS, Dr. Marshall S. Hiskey was a pioneer in the efforts to provide special education services in the State of Nebraska; and

WHEREAS, Dr. Hiskey has received an honorary Doctor of Letters degree from Gallaudet College, for his work with the deaf; and

WHEREAS, Dr. Hiskey is well-known nationally and internationally for the development of the HISKEY-NEBRASKA TEST OF LEARNING APTITUDE for deaf children; and

WHEREAS, Dr. Hiskey has made a lasting contribution to the State of Nebraska and throughout the world by the development of this test; and

WHEREAS, Dr. Hiskey should be paid tribute for his untiring intellect and concern for his fellowman; and

WHEREAS, Dr. Hiskey has recently retired from his professional position at the University of Nebraska, after long and dedicated service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That this Legislature welcomes the opportunity to acknowledge and honor the contributions and accomplishments made throughout the world by this great humanitarian.

UNANIMOUS CONSENT—Bracket LB 499

Mr. Barnett asked unanimous consent to bracket LB 499 on General File indefinitely. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 212. Title read. Considered.

Standing Committee amendments found in the Journal on page 1065 for the Sixty-first Day (First Session) were adopted.

Mr. Waldron offered the following amendments, which were adopted:

1. In section 2, line 4, after "identity" insert "or kind"; and before "goods" strike "the".
2. In section 4, line 6, strike "or purchase" and strike "either"; in line 7 after "to" insert "(Insert name and mailing address of seller)" and strike the remainder of the line; strike lines 8 and 9; in line 10 strike "seller, by 5 p.m." and insert "before midnight"; in line 11 strike "or purchased the goods or services".
3. In section 6, line 5, strike "7" and insert "5".
4. In section 7, strike subsection (1); and renumber original subsection (2) as subsection (1); and renumber original subsection (2) as subsection (1).

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 520. Title read. Considered.

Standing Committee amendments found in the Journal on page 1654 for the Eighty-first Day (First Session) were adopted.

Mr. DeCamp asked unanimous consent to bracket LB 520 until Wednesday, January 9, 1974. Mr. Nore objected.

Mr. DeCamp moved to bracket the bill until Wednesday, January 9, 1974. The motion prevailed with 25 ayes, 12 nays and 12 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 682. By Waldron, 42nd District.

A BILL FOR AN ACT relating to civil procedure; to provide a statute of limitations for certain actions as prescribed.

LEGISLATIVE BILL 683. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Barnett, 26th District; Richendifer, 16th District; Chambers 11th District; DeCamp, 40th District; Fellman, 4th District.

A BILL FOR AN ACT relating to crimes and punishments; to provide that it shall be unlawful to transfer or cause to be transferred sounds recorded on a phonograph record, disc, wire, tape, film, or other article on which sounds are recorded; to prohibit sale of transferred sounds; to provide exceptions; and to provide penalties.

LEGISLATIVE BILL 684. By Savage, 10th District.

A BILL FOR AN ACT relating to criminal procedure; to provide for issuing writs of subpoena in criminal misdemeanor cases; and to provide for penalty if witness fails to appear.

ANNOUNCEMENT

Mr. Burbach announced an Executive Session of the Revenue Committee at 1:30 p.m. today.

UNANIMOUS CONSENT—Bracket LB 91

Mr. Keyes asked unanimous consent to bracket LB 91 on General File. No objections. So ordered.

ADJOURNMENT

At 11:46 a.m., on a motion by Mr. Whitney, the Legislature adjourned until 9:00 a.m., Friday, January 4, 1974.

Vincent D. Brown
Clerk of the Legislature

FOURTH DAY—JANUARY 4, 1974

LEGISLATIVE JOURNAL

EIGHTY—THIRD LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 4, 1974

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the chaplain.

O God, our loving Father, give to this strategic body of state leaders the deep sense that through diversity they are working in unity for the common good. Thou hast surely created each one of us vastly different from every other one, yet this difference helps to bring about the harmony of life. We have faith in every decision, yet we so often doubt Thee. Man has exhibited inhumanity to man, yet we trust each other. No economy is constant, yet we still do business and write our checks. Some public servants are motivated by self-interest, yet we still have elections. Winters take the bloom from the trees, but there is always a spring. So when we trust and must make decisions on the relative values of life, may we have greater confidence in Thee who art the only absolute, our Lord and Our God. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Cavanaugh and F. Lewis who were absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 142, line 31, delete "84" and insert "78". The Journal for the third day was approved as corrected.

LEGISLATIVE JOURNAL
REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
590	General File	638	Misc. Subjects
591	General File	639	Labor
592	General File	640	Agric. & Env.
593	General File	641	Agric. & Env.
594	General File	642	Labor
595	General File	643	Public Works
596	General File	644	Cons. Rev. & Rec.
597	Revenue	645	Misc. Subjects
598	Cons. Rev. & Rec.	646	Gov. Mil. & Vets Afrs
599	Agric. & Env.	647	Judiciary
600	Pub. Hlth & Wel.	648	Cons. Rev. & Rec.
601	Pub. Hlth & Wel.	649	Cons. Rev. & Rec.
602	Misc. Subjects	650	Misc. Subjects
603	Misc. Subjects	651	Urban Affairs
604	Gov. Mil. & Vets Afrs	652	Urban Affairs
605	Public Works	653	Public Works
606	Revenue	654	Public Works
607	Education	655	Public Works
608	Labor	656	Public Works
609	Urban Affairs	657	Revenue
610	Bkg Comm. & Ins.	658	Judiciary
611	Public Works	659	Labor
612	Bkg Comm. & Ins.	660	Pub. Hlth & Wel.
613	Misc. Subjects	661	Cons. Rev. & Rec.
614	Gov. Mil. & Vets Afrs	662	Labor
615	Education	663	Bkg Comm. & Ins.
616	Misc. Subjects	664	Judiciary
617	Judiciary	665	Labor
618	Revenue	666	Judiciary
619	Cons. Rev. & Rec.	667	Education
620	Judiciary	668	Cons. Rev. & Rec.
621	Gov. Mil. & Vets Afrs	669	Judiciary
622	Gov. Mil. & Vets Afrs	670	Judiciary
623	Gov. Mil. & Vets Afrs	671	Urban Affairs
624	Gov. Mil. & Vets Afrs	672	Bkg Comm. & Ins.
625	Gov. Mil. & Vets Afrs	673	Public Works
626	Bkg Comm. & Ins.	674	Agric. & Env.
627	Cons. Rev. & Rec.	675	Agric. & Env.
628	Judiciary	676	Appropriations
629	Urban Affairs	677	Gov. Mil. & Vets Afrs
630	Gov. Mil. & Vets Afrs	678	Gov. Mil. & Vets Afrs
631	Urban Affairs	679	Agric. & Env.
632	Revenue	680	Bkg Comm. & Ins.
633	Appropriations	681	Urban Affairs
634	Education	682	Judiciary
635	Judiciary	683	Judiciary
636	Labor	684	Judiciary
637	Pub. Hlth & Wel.		

(Signed) Terry Carpenter, Chairman

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 Session of the Legislature, the attached is a list of all lobbyists who have registered as of January 3, 1974. Further lists will be submitted on the last legislative day of each calendar week, listing additional lobbyists who have registered during that week, until all registrations are completed.

(Signed) Vincent D. Brown
Clerk of the Legislature

As of January 3, 1974

Ackerman, James N. - Lincoln, Bankers Life Insurance Company of Nebraska

Adams, Donald D. - Omaha, Omaha National Corporation

Agee, W. B. - Lincoln, Northwestern Bell Telephone Co.

Allan, Marilyn J. - Lincoln, The Sperry and Hutchinson Company

Andersen, Edward - Waterloo, Nebraska State Grange

Anderson, Kent - Lincoln, Nebraska Cooperative Council

Anderson, Robert L. - Lincoln, Nebraska Rural Electric Association

Bahensky, LeRoy - Lincoln, Loup River Public Power District

Bailey, William J. Jr. - Lincoln, Nebraska Game and Parks Commission

Ballard, Al J. - Lincoln, Nebraska Rural Electric Association

Barry, LeRoy F. - Omaha, Mid-West Retail Farm Equipment Assn

Beam, C. Arlen - Lincoln, National Bank of Commerce Trust & Savings Assn; Nebraska Pest Control Assn; Nebraska State Bar Assn; Nebraska State Home Builders Assn

Berck, Elton L. - Lincoln, Farmers Union of Nebraska, Inc.

Berkebile, Philip A. - Lincoln, Nebraska Press Association

Blazek, D. R. "DAR" - Lincoln, Lincoln Electric System

Bloom, Bill K. - Omaha, Fraternal Order of Police State Lodge; Omaha Police Union Local No. 1

Blume, David A. - Lincoln, Capitol Assn for Retarded Children, Inc.

Botsch, Barbara A. - Omaha, Chamber of Commerce

Brakenhoff, Loren - Lincoln, (Inactive) Nebraska Council of School Administrators

Brandt, William B. - Unadilla, Nebraska Bankers Assn, Inc.

Brennan, William E. - Omaha, Nebraska State AFL-CIO

Brockley, Wm. T. - Nebraska City, Nebraska City Utilities

Brown, Louis P. - Lincoln, Disabled American Veterans, Dept. of Nebraska

Burleigh, Daniel C. - Lincoln, Republican State Central Committee

Campbell, Anne R. - Lincoln, University of Nebraska

Cariotto, Joseph J. - Lincoln, Nebraska Pharmaceutical Assn; Nebraska Podiatry Assn.

Carlin, B. L. - Omaha, Nebraska Chapter, National Electrical Contractors Assn, Inc.

Carter, Edward F. Jr. - Lincoln, America Mutual Insurance Alliance
 Cash, Virgil E. - Lincoln, Local Union 1536, I.B.E.W.
 Chace, Charles E. - Lincoln, Nebraska Petroleum Council
 Chamberlain, Eugene - Tekamah, Nebraska Assn of County Extension

Boards

Chambers, David L. - Lincoln, League of Nebraska Municipalities
 Chestem, Abner K. - Lincoln (Deceased 6-14-73), Department of
 Nebraska, Veterans of World War I, Inc.

Clarence, Richard E. - Lincoln, Nebraska State Utility Workers
 Conference

Collins, Richard E. - Omaha, Pro-Law Association of Nebraska
 Cowgill, Bruce Dr. - Columbus, Educational Service Unit No. 7
 Critchfield, James - Lincoln, Nebraska Chapter Associated General

Contractors of America

Cromer, Chalmers A. Dr. - Lincoln, State Advisory Council for
 Vocational Education

Crosby, Pansing & Guenzel - Lincoln

Crosby, Robert B. - Lincoln, Better Nebraska Assn; Chadron Chamber of
 Commerce; First Federal Savings & Loan Assn. of Lincoln; Glass Container
 Manufacturers Institute, Inc.; Lower Platte South NRD; Nebraska Assn of
 Industrial Loan and Investment Companies

Davis, Donn E. - Lincoln, Nebraska Consolidated Communications Corp.
 Guenzel, Robert C. - Lincoln, Nebraska Cooperative Council; Railroad
 Transportation Safety District

Kessner, Theodore, L. - Lincoln, Glass Container Manufacturers Institute,
 Inc.

Sedgwick, James L. - Lincoln, Police Officers Assn of Nebraska

Seglin, Steven G. - Lincoln, Better Nebraska

Crosier, Donald A. - Lincoln, Nebraska Petroleum Council

Crowl, Ralph E. - Omaha, Nebraska State Council of Electrical
 Workers

Dahlquist, Horton - Omaha, Nebraska State Association of Fire
 Fighters

Danielson, J. Arthur - Lincoln, Finance Committee for Christian
 Science Churches in Nebraska

Denney, Max A. - Lincoln, Nebraska Mobile Housing Institute

Dirrim, Delbert E. - Omaha, Omaha Public Power District

Douce, Wayne R. - Omaha, Guarantee Mutual Life Company

Drake, George F. - Lincoln, Nebraska Civil Defense Directors Assn

Egner, Ruth - Lincoln, Lincoln Action Program, Inc.

Eide, Robert A. - Omaha, Northern Natural Gas Company

Eldien, Paul V. - Lincoln, United States Brewers Association

Elm, Howard W. - Lincoln, Association Services, Inc.

Elrod, Don - Grand Island, American Federation of State, County &
 Municipal Employees

Feistner, Ely C. - Lincoln, Lincoln Education Association

Ferguson, Donald L. - Lincoln, The School District of the City of Lincoln, NE

Finigan, Edwin J. - Lincoln, Nebraska Telephone Association

Foley, John W. - Lincoln, Nebraska Association for Retarded Children

Frazier, Lawrence A. - Lincoln, Farmers Mutual of Nebraska

Frazier, T. J. - Lincoln, American Insurance Assn; American Reciprocal Insurance Assn; Mutual of Omaha Insurance Company; United Benefit Life Insurance Company

Friehe, Ervain J. - McCook, Nebraska Wheat Growers Assn

Gardner, James S. - Omaha, Metropolitan Omaha Builders Assn; Nebraska State Home Builders Assn

Garey, Robert W. - Hastings, Nebraska Funeral Directors Assn; Nebraska Optometric Assn; Nebraska Veterinary Medical Assn

Goodding, Richard D. - Lincoln, Nebraska Farm Bureau Federation

Gottschalk, Frederic A. - Lincoln, Superior Equity Corporation

Gove, Charles F. - Denton, National Farmers Organization, Inc. of Nebraska; Nebraskans for Nebraska Soil & Water, Inc.

Graham, M. J. - Lincoln, Retail Merchants Association of Nebraska

Greene, William R. - Omaha, Northern Natural Gas Company

Grothe, Tyrone E. - Omaha, Nebraska Federation of Republican

Women

Gyger, Bernard R. - Omaha, Omaha Board of Education

Haessler, John - Lincoln, Woodmen Accident and Life Company

Hansen, Mrs. Eulalia - Edgar, Nebraska Educational Service Unit Board

Assn

Hardesty, Yvonne - Lincoln, Lancaster County Democratic Party

Harm, Paul F. - Norfolk, City of Norfolk

Harris, Robert - Hastings, Kansas-Nebraska Natural Gas Company, Inc. and its subsidiaries

Heald, Arlie F. - Lincoln, Nebraska State Council of Electrical Workers

Heald, Harlan M. - Lincoln, Nebraska Hospital Association

Hein, Charles R. - Omaha, University of Nebraska at Omaha

Henningson, Ron - Omaha, Nebraska Press Association

Hoeger, Mark - Lincoln, A.S.U.N. Legislative Liaison Committee

Holdt, Leland L. S. - Lincoln, Security Mutual Life Insurance Company

Hopkins, Julian H. - Lincoln, Bankers Life Insurance Company of Nebraska

Huff, Charles P. - Lincoln, National Association of Theatre Owners of Nebraska; Nebraska Cable Communications Association; Nebraska Consumer Credit Association; Nebraska Lodging Association; Nebraska State Association of Life Underwriters

Humble, Charles D. - Lincoln, City of Lincoln, Nebraska

Humpal, John E. - Omaha, Nebraska Blue Cross and Blue Shield

Huston, Robert E. - Lincoln, Lancaster County

Jacobsen, Ford K. - Omaha, Metropolitan Utilities District

Jaksha, E. A. - Omaha, Northwestern Bell Telephone Company
 Jensen, Martin - Omaha, Legislative Committee Brotherhood of
 Railway and Airline Clerks
 Jensen, Maynard W. - Aurora, Nebraska Wool Growers
 Jensen, Ronald L. - Lincoln, Nebraska Hospital Association
 Jensen, Soren - Omaha, ConAgra, Inc.
 Johnson, Forrest A. - Lincoln, Nebraska Tax Research Council, Inc.
 Johnson, Oscar - Omaha, I.B.E.W. Local Union 763
 Johnston, Paul - Schuyler, Nebraska Livestock Feeders Assn
 Kenny, Philip T. - Omaha, Nebraska Railroad Assn (UPRR, Burlington,
 Northern, C&NW, CRI&P, Mo. Pacific Railroads)
 King, Condon R. - Lincoln, Veterans of Foreign Wars
 Klinker, John - Lincoln, Nebraska Farm Bureau Federation
 Kneifl, Philip M. - Omaha, European Health Spa of Nebraska, Inc.
 Koch, Gerald D. - Ralston, Omaha Suburban Area Council of Schools
 Kokes, Rudolf F. - Ord, Nebr. Chapter of the National Electrical
 Contractors Assn, Inc.
 Kratz, Dean G. - Omaha, Nebraska Building Chapter, Associated
 General Contractors; Nebraska League of Savings & Loan Associations
 Krause, Marcella Mrs. - Alliance, Educational Service Unit No. 12
 Kruger, E. C. - Fairbury, Nebraska Consumer Credit Association
 Langley, Edwin A. - Lincoln, Association of Nebraska Trust
 Departments
 Leung, Yvonne Norton - Lincoln, National Women's Political Caucus
 Livingston, Vern - Nebraska City, Nebraska City Utilities
 Long, Donald P. - Holdrege, The Central Nebraska Public Power &
 Irrigation District
 Lonquist, R. Ladd - Omaha, Legal Aid Society of Omaha-Council
 Bluffs, Inc.
 Lowry, Bob - Cairo, Nebraska Veterans Council
 Lynch, Daniel C. - Denver, Colo., United Air Lines & Air Transport
 Assn of America
 Lynch, John E. - Lincoln, Nebraska State Education Association
 MacDowell, L. J. - Lincoln, Nebraska State School Boards Association
 Madsen, Duane E. - Lincoln, Nebraska Association of Commerce &
 Industry
 Marti, Douglas - Lincoln, Nebraska Association of Public Employees
 Mastny, Johnny F. - Schuyler, Nebraska Rural Letter Carriers
 Association
 Matt, Paul G. III - Lincoln, James E. Ryan
 Matulka, Erwin - Valparaiso, Nebraskans for Nebraska Soil & Water,
 Inc.
 McCoy, Dale E. - Omaha, United Transportation Union
 McDowell, Robert O. - Lincoln, Nebraska New Car Dealers Association
 McEniry, Glenn J. - Lincoln, Nebraska Association of Commerce &
 Industry

- McFeely, Richard L. - Grand Island, Mid-Nebraska Mental Health Center
- McNeil, M. J. - Lincoln, United Transportation Union
- Merwick, Michael L. - Lincoln, Nebraska State Association Fire Fighters
- Millard, Herb C. - Omaha, Mechanical Contractors Association of Omaha
- Miller, Charles A. - Omaha, (Inactive) Omaha Public Power District
- Miller, Charles A. - Lincoln, (Inactive) Tews and Noren
- Miller, Edwin R. - Omaha, Nebraska Railroad Assn (UPRR, Burlington Northern, C&NW, CRI&P, Mo. Pacific Railroads)
- Mohatt, Earl A. - Omaha, Fraternal Order of Police State Lodge
- Moore, James A. - Lincoln, Disabled American Veterans, Dept. of Nebraska
- Moore, Terry L. - Omaha, American Federation of Grain Millers
- Moore, Verne Jr. - Omaha, School District 66, Douglas County
- Moulton, William - Omaha, Nebraska Consulting Engineers Association
- Mount, Stuart C. - Lincoln, Nebraska Hospital Association
- Moylan, James H. - Omaha, Douglas County; Nebraska Association of County Officials; Nebraska Credit Union League; Nebraska Licensed Beverage Association; Nebraska Shorthand Reporters Association; Nebraskans for Independent Banking
- Mundorf, Russell A. - Lincoln, I.B.E.W. Nebraska State Council of Electrical Workers
- Murphy, Lawrence E. - Lincoln, Nebraska Chiropractic Physicians Assn, Inc; Nebraska Hearing Aid Assn, Inc.
- Muscheites, B. F. - Lincoln, Nebraska Building Material Dealers Assn
- Neff, Kenneth - Lincoln, Nebraska Medical Association
- Nelson, Jerry C. - Lincoln, City of Lincoln, Nebraska
- Nelson, Ralph D. - Lincoln, City of Lincoln, Nebraska
- Nelson, Richard - Lincoln, Republican State Central Committee
- Ninegar, Louis C. - Kearney, State College Board
- Offen, Neil H. - Washington, D. C., Direct Selling Association
- O'Hara, Paul V. - Lincoln, Nebraska Catholic Conference
- Oltman, Ray - Lincoln, The American Legion Department of Nebraska
- Osterberg, William H. - Omaha, Nebraska Bankers Association, Inc.
- Pace, Jack M. - Lincoln, Farmers Mutual of Nebraska
- Payne, Dale L. - Papillion, Sarpy County Board of Commissioners
- Petersen, Nels - Omaha, Nebraska State AFL-CIO
- Pettett, Deane H. - Lincoln, Farmers Mutual of Nebraska
- Pierson, David C. - Lincoln, Fidelity Title Insurance Company; Insurance Federation of Nebraska; Nebraska Dental Association
- Prall, Linville I. - Lincoln, Nebraska Association of Public Employees
- Preston, James N. - Lincoln, Nebraska Motor Carriers' Association
- Rader, Glenn P. - Lincoln, Nebraska Farm Bureau Federation
- Rall, Frank - Lincoln, Nebraska Consolidated Communications Corporation; Nebraska Insurance Information Service; Nebraska Public

Power District; Nebraska Welfare Association; Nebraskans For Convenient Consumer Banking

Rasmussen, Delmar L. - Lincoln, League of Nebraska Municipalities

Rasmussen, Ross H. - Lincoln, Nebraska State School Boards Association

Reynolds, Florence B. - Omaha, Omaha Retired Teachers Association

Ritzman, Joanne M. - Lincoln, League of Women Voters of Nebraska

Ruhnke, Arnold - Lincoln, Nebraska Association of County Officials

Ryan, James E. - Lincoln, Coin Operators Industries of Nebraska; General Tobacco Company; Nebraska Beer Wholesalers Assn; Nebraska Liquor Wholesalers Assn; Nebraska Motor Carriers Assn; Nebraska New Car Dealers Assn; Nebraska Press Assn; Nebraskans for Convenient Consumers' Banking; Wells Fargo Armored Service Corporation

Ryberg, Daniel W. - Lincoln, Nebraska County Attorneys' Assn

Samuelson, Donald L. - Lincoln, Cornhusker Food Retailers Assn

Sayre, Charles D. - Lincoln, Nebraska Public Power District

Schellpeper, William L. - Lincoln, Nebraska Medical Assn

Schlaphoff, Elmer - Waverly, Nebraska Livestock Feeders Assn; Nebraska State Grange; Nebraska Stock Growers' Assn

Schmidt, Kenneth E. - Lincoln, Cooperative Service Company

Sexton, Marvin W. - Nickerson, Nebraska State Volunteer Firemen Assn

Shafer, Patricia N. - Omaha, Omaha Education Association

Sheldon, James P. - Lincoln, Security Mutual Life Nebraska

Skochdopole, R. A. Esq. - Omaha, Knights of Ak-Sar-Ben

Smith, Leo C. - Fairbury, Nebraska State Legislative Board Brotherhood of Locomotive Engineers

Snodgrass, Del - Lincoln, Nebraska Association of Commerce & Industry

Stewart, E. Mickey - Alliance, Nebraska Stock Growers Assn

Stuve, Gregory K. - Omaha, City of Omaha

Sutej, John M. - Omaha, Local Union 1974, I.B.E.W.

Sward, Alfred W. - Lincoln, Security Mutual Life Insurance Company

Tews and Noren - Lincoln

Noren, Charles F. - Lincoln, Air Transport Assn; Citizens for Good Government; Friends of Higher Education; Journal Star Printing Company; Lincoln Telephone & Telegraph Company; Matthews & Wright, Inc.; Media of Nebraska; Nebraska Association of Insurance Agents; Nebraska Association of Technical Community Colleges; Nebraska Association of Trial Attorneys; Nebraska District Court Judges Association; Nebraska Investment Bankers Association; Nebraska Motorcycle Dealers Association; Nebraska Press Association; Nebraska Realtors Association; Nebraska Society of Certified Public Accountants; Nebraska State Association of Fire Fighters; Nebraska State Education Association; Nebraska State School Boards Association; Nebraskans for Decent Expression; Nebraskans for State Office Building; Omaha Public Power District

Tews, David D. - Lincoln, Air Transport Association; Bankers Dispatch Corporation; Citizens for Good Government; Friends of Higher Education; Journal Star Printing Company; Lincoln Telephone & Telegraph Company; Matthews & Wright, Inc.; Media of Nebraska; Nebraska Association of Insurance Agents; Nebraska Association of Technical Community Colleges; Nebraska Association of Trial Attorneys; Nebraska District Court Judges Association; Nebraska Investment Bankers Association; Nebraska Motorcycle Dealers Association; Nebraska Press Association; Nebraska Realtors Association; Nebraska Society of Certified Public Accountants; Nebraska State Association of Fire Fighters; Nebraska State Education Association; Nebraska State School Boards Association; Nebraskans for Decent Expression; Nebraskans for State Office Building; Omaha Public Power District

Thies, John C. - Omaha, Omaha Education Association

Van Valkenburg, Robert J. - Lincoln, Matthews & Wright, Inc.

Walker, William L. - Lincoln, Nebraska Environmental Health Association, Inc.

Watson, B. Frank - Lincoln, Nebraska Boys Ranch—a/k/a Snow Redfern Memorial Foundation

Watson, Gene D. - Lincoln, Nebraska Public Power District

Watters, George L. - Lincoln, Nebraska Petroleum Marketers, Inc.

Weber, Audrey K. - Lincoln, League of Women Voters of Nebraska

Wells, L. M. - Lincoln (Inactive), Northwestern Bell Telephone Company

White, Richard - Lincoln, Nebraska Democratic State Central Committee

Whitworth, Arthur A. - Lincoln, (Inactive) United States Brewers Association, Inc.

Wiebe, Louis - Beatrice, Farmer's Union of Nebraska

Wilkerson, Dick - Lincoln, (Inactive) Nebraska Rural Electric Association

Williams, Franklin J. - Omaha, Omaha Education Association

Williams, H. W. - Omaha, Motor Club Insurance Association

Wilson, Glenn R. - Lincoln, Republican State Central Committee

Wilson, William A. - Lincoln, The Midwest Life Insurance Company of Lincoln, Nebraska

Wisnieski, Hubert - Lincoln, National Farmers Organization, Inc. of Nebraska

Witthoff, Earl J. - Lincoln, (Inactive) United States Brewers Association, Inc.

Wolfe, Jack G. - Lincoln, City of Lincoln, Nebraska

Wood, Richard R. - Lincoln, City of Lincoln, Nebraska

Wruck, George T. - Omaha, Retail Merchants of Greater Omaha, Inc.

Wylie, William - Elgin, Mutual of Omaha; Nebraska Insurance Information Service; Rall & Associates

Young, Harry D. - Beatrice, Norris Public Power District

Young, Lyle A. - Lincoln (Inactive) Nebraska Press Association

ATTORNEY GENERAL'S OPINIONS

Opinion No. 114
January 3, 1974

Senator George Syas
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator:

You ask if a city of the metropolitan class can require persons living within three miles of the city limits to register their cars in the city and pay registration fees pursuant to Section 14-109, R. R. S. 1943. Generally, it is our opinion that the answer is no. However, if the car were principally stored and used in the city for a period of more than one week then such registration could be required whether the owner were a resident of the three mile area or beyond.

A city of the metropolitan class can pass ordinances and regulations which affect the area within three miles of the city limit. This statutory authority is granted by Section 14-418, R. R. S. 1943 and Section 14-419, R. R. S. 1943. It is noted that these statutes only pertain to zoning and construction in this area and do not relate in any way to motor vehicle registration.

You also ask if the Legislature can pass a law authorizing cities of the metropolitan class to require that nonresidents register their cars in the city and pay the registration fee. As pointed out above, this is already authorized by Section 14-109, R. R. S. 1943 which provides in part:

“* * *. The city council shall also have power to require any person, firm or corporation owning or using any vehicle in a city of the metropolitan class, annually to register such vehicle in such manner as may be provided, and to require such person to pay an annual registration fee therefor, and to require the payment of registration fees upon the change of ownership of such vehicle. * * *. No registration fee shall be required where a vehicle is used but temporarily in said city for a period of not more than one week.”

In light of that language if someone within or without the three mile area used their car within the city for more than a week the registration fee could be required.

The next logical question is could the Legislature pass a law allowing a metropolitan city to require registration by those who live in a three mile area outside the city regardless of whether or not they used the city streets.

7 Am. Jur. 2d, Automobiles and Highway Traffic, Section 59, provides:

"It is generally held that a nonresident of a municipality who merely passes through it occasionally with a motor vehicle and uses the streets in isolated instances cannot be made to pay a license fee or tax for operating the vehicle on the municipal streets. It has been said that to levy such a tax on vehicles or nonresidents whose business or pleasure casually carries them into or through a municipality would be in derogation of their reserved right to use the highways of the state, impose intolerable conditions upon the public, and lead to absurd results. * * *."

City of Georgetown v. Morrison, Ky., 362S. W. 2d 289 (1962) was a declaratory judgment action challenging the validity of an ordinance pertaining to the licensing of a vehicle owned by a nonresident of the City of Georgetown.

One of the parties plaintiff lived in another community. He was a brick mason and one his vehicles was in Georgetown practically all the time during the job he was working on which lasted three months. On this vehicle, a station wagon, he paid the license fee but on three others, all trucks, he declined because they were only in and out of Georgetown occasionally during the three month term. In upholding the nonresident's position the court said:

"It has been consistently held that a nonresident of a city who operates a motor vehicle within the city boundaries only occasionally or temporarily cannot be required to pay a license tax for the use of the streets. If he could, it might result in an owner or operator having to obtain a license from every town in which his casual engagements might call him or in which he might go. This would be in derogation of the public right to use the highways of the State. * * *. But local authorities have the power to lay a license tax on automobiles or upon nonresident owners who are regularly employed in the city and use the vehicle in going to and from their work or making regular use of the streets and municipal facilities of the city in furtherance of their occupation or carrying on their business located therein. * * *."

As pointed out above, Section 14-109, R. R. S. 1943 seems to cover people within and without the three mile limit but we are of the opinion there could be some doubts about the validity of a statute that would authorize a city of the metropolitan class or any other class to require registration by nonresident merely because that individual happened to reside within three miles of the city limits.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) James J. Duggan
Assistant Attorney General

JJD:jc

cc: Vincent D. Brown
Executive Director-Clerk

Opinion No. 115
January 3, 1974

Honorable Roland A. Luedtke
Member of the Legislature
Capitol Building
Lincoln, Nebraska

Dear Senator:

You state that you are contemplating legislation to bring the county judges under the judicial selection plan as provided in Article V, Section 21, Constitution of Nebraska. You further state that you are considering the use of the district court nominating commission or the same district court judicial nominating commissioners for the county court selections. You then ask three questions.

Your first, is whether or not the Nebraska Constitution prevents a district court judicial nominating commission from also acting as a judicial nominating commission for a county court if the areas or districts served by the two courts are identical. We are aware of no court opinion which is precisely in point with this question. Our court has stated that where the words of the Constitution are plain, direct and unambiguous, no interpretation is needed to ascertain their meaning and a mere reading will suffice. *Ramsey v. County of Gage*, 153 Neb. 24, N. W. 2d 593. The constitutional language concerning the nominating commission is found in Article V, Section 21 (4) and states, in part, as follows:

"There shall be a judicial nominating commission for the Chief Justice of the Supreme Court and one for each judicial district of the Supreme Court and of the district court and one for each area or district served by any other court made subject to subsection (1) of this section by law. * * *." (Emphasis supplied.)

While it may be possible to construe this language otherwise, it appears to us that a plain reading of this provision of the Constitution requires a separate nominating commission for each district court judicial district and each county court district.

In your second question you inquire if the Nebraska Constitution prevents judicial nominating commissioners from serving on both a district court and a county court judicial nominating commission if the districts of each such court and therefore the commissions are identical. We note that Section 24-805, R. R. S. 1943, prohibits a member of a judicial nominating commission, except for Supreme Court judges, from serving on more than one such commission. We find no constitutional provision which would prohibit an individual from serving on more than one judicial nominating commission. We should note, however, that under the statutes the present districts for the district court judicial districts and the county court judicial districts are not all identical. Also, in view of our answer to your first question, these commissions should be separate even though composed of the same commissioners.

Finally, you ask if Article V, Section 21 (4) of the Nebraska Constitution prevents the Legislature from designating the existing district court judicial nominating commissioners as the judicial nominating commissioners of a county court nominating commission when the districts for both the district court and the county court are identical. This provision of the Constitution provides how the members of the various judicial nominating commissions shall be selected. We are of the opinion that this procedure is applicable and any such commission established must be comprised as directed by this section of the Constitution. In addition, such a procedure might also be in violation of Article IV, Section 10, Constitution of Nebraska. We must therefore conclude that the Legislature does not have this authority.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:jc

cc: Vincent D. Brown
Executive Director-Clerk
Legislative Council

EXPLANATION OF VOTE

Had I been present on the floor and voting on the motion by Senator Waldron Regarding LR 91, Daylight Saving Time, I would have voted Nay.

(Signed) Richard M. Fellman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 7. Placed on Select File as amended.
E & R amendments to LB 7:

1. On page 2, line 2, page 5, line 2, and in the title, line 3, strike "1972" and insert "1973".
2. On page 3, line 11, strike "twenty-five" and insert "five"; and in lines 20 to 27 strike the stricken matter and remove underscoring.
3. On page 4, strike lines 7 to 9 and renumber subdivisions (22) to (27) as subdivisions (21) to (26).
4. In the title, strike lines 4 and 5 and insert "officials; to provide the minimum bond of a county clerk having the duties of other offices; to".

LEGISLATIVE BILL 389. Placed on Select File as amended.
E & R amendments to LB 389:

1. In lieu of the committee amendment, on page 2, line 1, and in the title, line 10, strike "general" and insert "primary"; and on page 2, line 2, and in the title, line 10, strike "November" and insert "May".
2. On page 3, line 27, strike the comma and show the same as stricken.

LEGISLATIVE BILL 131. Placed on Select File as amended.
E & R amendments to LB 131:

1. In new section 1, line 12, strike "either" and insert "either"; in line 22, insert an underscored period after "prisoners"; and in line 23 strike the period and show the same as stricken.
2. Amend section 2 to read:
"Sec. 2. That original section 23-362, Reissue Revised Statutes of Nebraska, 1943, is repealed."
3. In the title, strike lines 2 to 4 and insert:
"FOR AN ACT to amend section 23-362, Reissue Revised Statutes of Nebraska, 1943, relating to law enforcement;

to change provisions for payments to counties for boarding prisoners; and to repeal the original section."

LEGISLATIVE BILL 217. Placed on Select File.

LEGISLATIVE BILL 438. Placed on Select File as amended.
E & R. amendments to LB 438:

1. In new section 1, strike the period in line 22 and remove underscoring from the period in line 28.
2. In the title strike lines 2 to 5 and insert:
"FOR AN ACT to amend section 75-304.01, Revised Statutes Supplement, 1972, relating to the Public Service Commission; to provide an exception to the rate jurisdiction of the commission; and to repeal the original section."

LEGISLATIVE BILL 567. Placed on Select File as amended.
E & R amendments to LB 567:

1. In lieu of the Whitney amendment, in standing committee amendment 2, strike "line" and insert "lines 7 and".
2. In the title, line 6, insert "to provide for judgements for restitution;" after the semicolon.

LEGISLATIVE BILL 569. Placed on Select File as amended.
E & R amendments to LB 569:

1. On page 2, lines 1 and 2, and page 3, lines 20 and 21, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1973".
2. In standing committee amendment 1, line 3, strike "material" and insert "materials"; and in line 5, strike the periods.
3. On page 2, line 8, and page 3, lines 15 and 16, strike "Public Institutions" and insert "Correctional Services".
4. On page 2, line 25, and page 3, lines 3 and 4 and lines 9 and 10, strike "division of corrections-made" and insert "Department of Correctional Services-made".
5. On page 3, lines 2 and 3, and line 8, strike "Division of Corrections" and insert "Department of Correctional Services".
6. In the title, strike lines 2 to 9 and insert:

"FOR AN ACT to amend section 83-145, Revised Statutes Supplement, 1973, relating to Department of Correctional Services-made goods; to provide for a standard of quality and materials; and to".

(Signed) John J. Cavanaugh, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 685. By Executive Board, Carpenter, 48th District, Chairman.

A BILL FOR AN ACT relating to energy crisis emergency situation; to provide powers to the Governor; to create a committee; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 686. By Executive Board, Carpenter, 48th District, Chairman.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to change provisions relating to salary and expenses of members of the Legislature as prescribed; to provide for the submission of the proposed amendment to the electors at the primary election in May, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 687. By Executive Board, Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to amend section 81-125, Reissue Revised Statutes of Nebraska, 1943, relating to the Governor and administrative departments; to provide when the Governor shall present his budget bill and message to the Legislature; to repeal the original section, and also section 81-137, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 688. By Labor Committee, Maresh, 32nd District, Chairman; Kime, 43rd District; Cavanaugh, 9th District; Dickinson, 31st District; Kelly, 35th District; Kennedy, 21st District; F. Carstens, 30th District.

A BILL FOR AN ACT relating to the State Patrolmen's Retirement System; to amend section 60-452.01, Revised Statutes Supplement, 1972; to provide a minimum death benefit; and to repeal the original section.

LEGISLATIVE BILL 689. By Skarda, 7th District.

A BILL FOR AN ACT to amend 60-1902, Revised Statutes Supplement, 1972, relating to abandoned motor vehicles; to exempt municipalities from payment of fees in acquiring title to abandoned motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 690. By Skarda, 7th District.

A BILL FOR AN ACT to amend section 77-2602, Revised Statutes Supplement, 1973, relating to cigarette tax; to provide that one million five hundred thousand dollars of such tax be placed in a County-Municipality Improvement Fund which is hereby established, and to pay such money to all cities, villages, and counties according to population based on the last federal census; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 434. Bracketed until January 18, 1974 at the request of Mr. Waldron.

LEGISLATIVE BILL 128. Bracketed until January 9, 1974 at the request of Mr. Stromer.

LEGISLATIVE BILL 230. Bracketed at the request of Mr. Hasebrook.

LEGISLATIVE BILL 458. Bracketed at the request of Mr. Burbach.

LEGISLATIVE BILL 377. Bracketed at the request of Mr. Simpson.

LEGISLATIVE BILL 293. Bracketed at the request of Mr. Simpson.

LEGISLATIVE BILL 238. Bracketed at the request of Mr. Wiltse.

LEGISLATIVE RESOLUTION 19. Read and Considered.

Mr. Carpenter offered the following amendment:

Amend line 6, after "to" add "be buses to". Amendment pending.

Laid over temporarily at request of Mr. Carpenter.

LEGISLATIVE BILL 66. Bracketed at the request of Mr. Barnett.

LEGISLATIVE BILL 513. Title read. Considered.

Standing Committee amendments found in the Journal on page 1254, Sixty-seventh Day (First Session) were adopted.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 568. Title read. Considered.

Mr. Carpenter offered the following amendment which was adopted with 28 ayes, 10 nays and 11 not voting:

Amend the Standing Committee Amendment, Page 2, line 19, to strike "one thousand" and insert "five hundred".

The Standing Committee amendments found in the Journal on page 1355, Seventieth Day (First Session) were adopted, as amended.

Mr. DeCamp moved to indefinitely postpone.

Mr. Skarda asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Kelly moved the previous question on indefinitely postponing LB 568. The question is, "Shall the debate now cease?" The motion prevailed with 35 ayes, 0 nays and 14 not voting.

The motion to indefinitely postpone prevailed with 23 ayes, 22 nays and 4 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. DeCamp asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 375. Bracketed at the request of Mr. Whitney.

LEGISLATIVE BILL 327. Bracketed until January 23, 1974 at the request of Mr. Waldron.

LEGISLATIVE BILL 508. Title read. Considered.

Standing Committee amendment found in the Journal on page 1527, Seventy-seventh Day (First Session) was adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 691. By Kremer, 34th District; Duis, 39th District.

A BILL FOR AN ACT to amend section 77-2734, Revised Statutes Supplement, 1973, relating to taxation; to strike language relating to computation of franchise or income taxes; and to repeal the original section.

LEGISLATIVE BILL 692. By Murphy, 17th District.

A BILL FOR AN ACT to amend section 2-1213, Revised Statutes Supplement, 1973, relating to horseracing; to permit horseracing on Sunday; and to repeal the original section.

LEGISLATIVE BILL 693. By Skarda, 7th District; Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 23-343.92, Revised Statutes Supplement, 1972, relating to hospital authorities; to provide additional authorization; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 694. By Moylan, 6th District.

A BILL FOR AN ACT to amend sections 2-955 and 2-963, Reissue Revised Statutes of Nebraska, 1943, relating to weed eradication and control; to provide for general published notice in counties having three hundred thousand or more inhabitants; to change penalties; and to repeal the original sections.

LEGISLATIVE BILL 695. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 8-821, Revised Statutes Supplement, 1973, relating to banks; to provide that personal loan charges in addition to those permitted by section 8-820 may include the cost of credit life and accident insurance and the charges permitted by section 8-822; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 696. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 48-120, Revised Statutes Supplement, 1972, relating to workmen's compensation; to provide for the furnishing of medical and hospital services, appliances, supplies, prosthetic devices, and medicines as prescribed; and to repeal the original section.

LEGISLATIVE BILL 697. By Fowler, 27th District.

A BILL FOR AN ACT to adopt the Interstate Corrections Compact.

LEGISLATIVE BILL 698. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 43-904, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Center for Children and Youth; to eliminate the requirement that children received be of normal and sound mind; and to repeal the original section.

LEGISLATIVE BILL 699. By Rasmussen, 41st District; Wiltse, 1st District.

A BILL FOR AN ACT to amend section 39-685, Revised Statutes Supplement, 1973, relating to highways; to disallow hunting and trapping on any freeway; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 700. By Cavanaugh, 9th District.

A BILL FOR AN ACT relating to crimes and punishments; to provide for criminal record information; to establish the Criminal Offender Records Control Committee; to provide procedures; and to provide penalties.

LEGISLATIVE BILL 701. By Marsh, 29th District.

A BILL FOR AN ACT relating to motorcycles, motor-driven cycles and minibikes; to provide for lighted headlamp and taillamp; and to provide for multiple-beam road-lighting equipment as specified.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
685	Judiciary	693	Pub. Hlth & Wel.
686	Cons. Rev. & Rec.	694	Agric. & Env.
687	Appropriations	695	Bkg Comm. & Ins.
688	Labor	696	Labor
689	Gov. Mil. & Vets Afrs	697	Gov. Mil. & Vets Afrs
690	Gov. Mil. & Vets Afrs	698	Pub. Hlth & Wel.
691	Revenue	699	Cons. Rev. & Rec.
692	Misc. Subjects	700	Judiciary

(Signed) Terry Carpenter, Chairman

ANNOUNCEMENT

Mr. Schmit announced a report on fuels has been placed on the members desks.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 602	Thursday, January 10, 1974	2:00 p.m.
LB 613	Thursday, January 10, 1974	2:00 p.m.
LB 616	Thursday, January 10, 1974	2:00 p.m.
LB 645	Thursday, January 10, 1974	2:00 p.m.

(Signed) J. James Waldron, Chairman

ANNOUNCEMENT

Mr. Burbach announced a booklet has been placed on the members desks regarding Revenues and Expenditures for 1974-75.

ADJOURNMENT

At 11:54 a.m., on a motion by Mr. C. Carsten, the Legislature adjourned until 10:00 a.m., Monday, January 7, 1974.

Vincent D. Brown
Clerk of the Legislature

FIFTH DAY—JANUARY 7, 1974

LEGISLATIVE JOURNAL

**EIGHTY—THIRD LEGISLATURE
SECOND SESSION**

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 7, 1974

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor of Westminster Presbyterian Church.

Our Father, as we remember the great men who by their trust in Thee helped to give this Nation its glorious heritage, remind us that we honor them best when we follow their good example.

Give to the people of America, and to their leaders, the old fashioned love of country that seeks to give rather than to get. Help us to acknowledge our dependence upon the patience that forgives our failures, the truth that indicts our compromise and our hypocrisy.

We ask O God, not for tasks more suited to our strength but strength more suited to our tasks. Help us to be the guardians of liberty and the upholders of justice in fulfilling the privileges of our office. This we ask through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. R. Lewis who was excused, Mr. Stromer who was excused until he arrives and Mr. DeCamp who was absent.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourth Day was approved.

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 212. Placed on Select File as amended.

E & R amendments to LB 212.

1. In section 7, line 5, as amended by the Waldron amendment 4, strike "(1)".

2. In section 1, line 26, strike the semicolon and insert a comma; in line 33 insert a comma after "If"; insert "and" at the end of line 43; and in line 50 insert "or" after the comma.

3. In section 4, line 15, strike the quotation marks; and in line 51 insert a comma after "may".

4. In section 5, line 7, strike "section" and insert "act".

5. In section 6, lines 1 and 2, strike "such property" and insert "any property received pursuant to the home solicitation sale".

6. In section 7, line 8, insert a comma after "damages".

7. In the title, strike lines 2 to 4 and insert: "FOR AN ACT relating to sales; to provide the rights and duties of the parties to home solicitation sales."

(Signed) John J. Cavanaugh, Chairman

REFERENCE COMMITTEE REPORT

LB 682 697	Committee Re-Referred from Judiciary to Miscellaneous Subjects. Re-Referred from Government to Judiciary.
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(Signed) Terry Carpenter, Chairman

UNANIMOUS CONSENT—Bracket Bills

Mr. Schmit asked unanimous consent to bracket LB 77, LB 77A and LB 254A on Final Reading. No objections. So ordered.

Mr. Snyder asked unanimous consent to bracket LB 94 on Final Reading. No objections. So ordered.

Mr. Marvel asked unanimous consent to bracket LB 17, LB 17A, LB 228 and LB 228A on Final Reading. No objections. So ordered.

Mr. Marvel asked unanimous consent to bracket LB 43, LB 306 and LB 506 on Final Reading. No objections. So ordered.

MOTION—Return Bills to Select File

Mr. Marvel moved to return LB 43A to Select File for the following specific amendment:

On page 2, line 4, strike "1973" and insert "1974" and strike "1974" and insert "1975".

The motion prevailed with 36 ayes, 0 nays and 13 not voting.

Mr. Marvel moved to return LB 162 to Select File for the following specific amendment:

On page 2, line 11, strike "1973" and insert "1974".

The motion prevailed with 37 ayes, 0 nays and 12 not voting.

Mr. Marvel moved to return LB 162A to Select File for the following specific amendment:

On page 2, line 3, strike "1973" and insert "1974" and on line 4 strike "1974" and insert "1975".

The motion prevailed with 37 ayes, 0 nays and 12 not voting.

Mr. Marvel moved to return LB 306A to Select File for the following specific amendment:

On page 2, line 3, strike "1973" and insert "1974" and on line 4 strike "1974" and insert "1975".

The motion prevailed with 38 ayes, 0 nays and 11 not voting.

Mr. Marvel moved to return LB 506A to Select File for the following specific amendment:

On page 2, line 3, strike "1973" and insert "1974" and on line 4 strike "1974" and insert "1975".

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. Burbach moved to return LB 17 to Select File for the following specific amendments:

In the final reading bill, page 2, line 11, insert ", or to meters used by political subdivisions or electric cooperatives" after "authority".

Amend Sec. 2 (8) after the word annually to add "and from time to time, as in his judgment seems necessary".

Also (10) of Sec. 2 after the word test in line 17 add "and at such times as he deems necessary".

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 280A. With Emergency.

A BILL FOR AN ACT to appropriate forty-six thousand six hundred thirty-six dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Auditor of Public Accounts, Agency No. 10 for Program 506, to aid in carrying out the provisions of Legislative Bill 280, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Carpenter	DeCamp	Fowler	Goodrich	R. Lewis
Murphy	Stahmer	Stromer		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 280. With Emergency.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to provide for examinations or audits at such time as the auditor shall determine; to amend sections 23-1608, 71-3708, and 84-304, Reissue Revised Statutes of Nebraska, 1943; to change an approval requirement; to provide additional duties; to provide a Legislative Audit Review Committee; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

DeCamp	R. Lewis	Stahmer	Stromer
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 435. With Emergency.

A BILL FOR AN ACT to amend section 79-803.03, Revised Statutes Supplement, 1972, relating to schools; to provide for nomination and election of school board members as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	Duis	Epke
Fellman	Fowler	Hasebroock	Johnson	Kennedy
Keyes	Kime	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stull	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Anderson	DeCamp	Dickinson	Goodrich	Kelly
R. Lewis	Murphy	Stromer	Syas	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 98.

Introduced by Richendifer, 16th District; Cavanaugh, 9th District; Mahoney, 5th District; Syas, 13th District; DeCamp, 40th District; Kennedy, 21st District; Whitney, 44th District; Moylan, 6th District; Hasebroock, 18th District; Rasmussen, 41st District; Skarda, 7th District; Anderson, 37th District; Simpson, 46th District; Luedtke, 28th District; Kremer, 34th District; Snyder, 14th District; Maresh, 32nd District; Wiltse, 1st District; Stahmer, 8th District; Barnett, 26th District; Warner, 25th District; Proud, 12th District; Carpenter, 48th District; Marvel, 33rd District; Stromer, 36th District; Nore, 22nd District; C. Carsten, 2nd District; Kelly, 35th District; Murphy, 17th District; Dickinson, 31st District; Waldron, 42nd District; Schmit, 23rd District; Keyes, 3rd District; Johnson, 15th District; Goodrich, 20th District; Fowler, 27th District; Clark, 47th District; R. Lewis, 38th District; Fellman, 4th District; Marsh, 29th District; F. Carstens, 30th District; Kime, 43rd District; Duis, 39th District; Chambers, 11th District; Epke, 24th District; Savage, 10th District; Stull, 49th District; F. Lewis, 45th District; Burbach, 19th District.

WHEREAS, all true life stories end in death, so it was with the Epic Poet of the West, Dr. John G. Neihardt. Dr. Neihardt became a lasting memory on Saturday, November, 3, 1973. John G. Neihardt was a man blessed with the extraordinary qualities of insight, wisdom, understanding, logic, and love, and was able to direct these qualities in such a manner that ultimate reality was achieved in his writings as well as his life. Many of his poems express a deep spiritual insight into death, yet they vibrantly spell out life, the life that he so lived. John Neihardt has assured himself of permanent and true fame, an achievement few have attained, for the labors of Dr. Neihardt promoted the happiness, love, and fellowship of mankind. John Neihardt left this life in the same becoming manner that he experienced it. Nebraska won't be the same without its Poet Laureate. Perhaps the sole shadow that is yet cast upon the life of John Neihardt is that in his final awakening, he is unable to return to tell us of his last great adventure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extend its sympathy to the survivors of John G. Neihardt.

2. That the Legislature welcomes the opportunity to acknowledge and honor the contributions and accomplishments made throughout the world by this great literary figure.

3. That a copy of this resolution be presented to the family of John G. Neihardt as a tribute to his untiring intellect and undying love for life itself.

4. That the Legislature stand for a moment of silent tribute to his memory.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 702. By Snyder, 14th District.

A BILL FOR AN ACT to amend section 14-1821, Revised Statutes Supplement, 1972, relating to cities of the metropolitan class; to increase the tax certification limit which a metropolitan transit authority board may annually certify; and to repeal the original section.

LEGISLATIVE BILL 703. By Syas, 13th District.

A BILL FOR AN ACT to amend section 14-408, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to increase the number of members of the board of appeals; to increase the terms of members of the board of appeals; and to repeal the original section.

LEGISLATIVE BILL 704. By Warner, 25th District.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to designate property for the construction of a Historical Heritage Center.

LEGISLATIVE BILL 705. By Chambers, 11th District.

A BILL FOR AN ACT relating to attorneys at law; to abolish the requirement that a graduate of a college of law located in Nebraska shall take a bar examination as a prerequisite to practice law; and to repeal section 7-102, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 706. By Stahmer, 8th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XIII, section 1, of the Constitution of Nebraska, relating to state, county, and municipal indebtedness; to provide for rental of surplus educational housing space to the general public; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974, to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

SELECT FILE

LEGISLATIVE BILL 7. E & R amendments found in the Journal on page 162 for the Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 389. E & R amendments found in the Journal on page 162 for the Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 131. E & R amendments found in the Journal on page 162 for the Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 217. Mr. Goodrich moved to bracket LB 217 until January 14, 1974. The motion lost with 9 ayes, 21 nays and 19 not voting.

Advanced to E & R for Engrossment with 27 ayes, 4 nays and 18 not voting.

LEGISLATIVE BILL 438. E & R amendments found in the Journal on page 163 for the Fourth Day were adopted.

Laid over until January 14, 1974 at the request of Mr. Carpenter.

LEGISLATIVE BILL 567. E & R amendments found in the Journal on page 163 for the Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 569. E & R amendments found in the Journal on page 163 for the Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 43A. The Marvel specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 162. The Marvel specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 162A. The Marvel specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 306A. The Marvel specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 506A. The Marvel specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays and 18 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 17. The Burbach specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

GENERAL FILE

LEGISLATIVE BILL 104. Considered.

The Standing Committee amendment found in the Journal on page 366 for the Twenty-fifth Day (First Session) was adopted.

Mr. Stahmer offered the following amendment:

Add on page 4, line 4, after "conditions" add ", except in urban areas.". Amendment pending.

ANNOUNCEMENTS

Mr. Kennedy announced an Executive Session of the Public Health and Welfare Committee at 2:00 p.m. today in Room 1009.

Mr. Burbach announced an Executive Session of the Revenue Committee at 1:30 p.m. today in Room 1019.

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused Tuesday Afternoon, January 8 and all day Friday, January 18, 1974. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS Banking Commerce and Insurance

LB 610	Monday, January 14, 1974	2:00 p.m.
LB 663	Monday, January 14, 1974	2:00 p.m.
LB 680	Monday, January 14, 1974	2:00 p.m.
LB 695	Monday, January 14, 1974	2:00 p.m.

LB 626	Tuesday, January 15, 1974	2:00 p.m.
LB 672	Tuesday, January 15, 1974	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

Constitutional, Revision and Recreation

LB 598	Thursday, January 17, 1974	2:00 p.m.
LB 699	Thursday, January 17, 1974	2:00 p.m.

(Signed) George Syas, Chairman

Education

LB 615	Monday, January 14, 1974	2:00 p.m.
LB 607	Tuesday, January 15, 1974	2:00 p.m.
LB 634	Tuesday, January 15, 1974	2:00 p.m.
LB 667	Tuesday, January 15, 1974	2:00 p.m.

(Signed) Jerome Warner, Chairman

Labor

LB 608	Wednesday, January 16, 1974	2:00 p.m.
LB 636	Wednesday, January 16, 1974	2:00 p.m.
LB 639	Wednesday, January 16, 1974	2:00 p.m.
LB 662	Wednesday, January 16, 1974	2:00 p.m.

(Signed) Richard Maresh, Chairman

Judiciary

LB 223	Monday, January 14, 1974	2:00 p.m.
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(Signed) Roland A. Luedtke, Chairman

Public Health and Welfare

LB 637	Monday, January 14, 1974	2:00 p.m.
LB 660	Monday, January 14, 1974	2:00 p.m.

LB 600	Tuesday, January 15, 1974	2:00 p.m.
LB 601	Tuesday, January 15, 1974	2:00 p.m.
LB 698	Tuesday, January 15, 1974	2:00 p.m.
LB 302	Tuesday, January 22, 1974	2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 707. By Kime, 43rd District.

A BILL FOR AN ACT to amend section 33-117, Revised Statutes Supplement, 1972, relating to fees; to increase the fee for boarding prisoners; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 708. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 50-318, Reissue Revised Statutes of Nebraska, 1943, and section 50-314, Revised Statutes Supplement, 1972, relating to lobbying; to require that additional information be disclosed in the statement filed with the Clerk of the Legislature as prescribed; to disallow former senators from lobbying for a period of four years; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 709. By Cavanaugh, 9th District.

A BILL FOR AN ACT to repeal section 81-1528.01, Revised Statutes Supplement, 1973, relating to the Environmental Protection Act.

LEGISLATIVE BILL 710. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 48-121, 48-122, and 48-122.03, Revised Statutes Supplement, 1973, relating to workmen's compensation; to increase weekly benefits; to provide for computations and recomputations; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 711. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 24-315, Revised Statutes Supplement, 1972, relating to courts; to provide the manner in which a judge or justice may be disqualified; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 712. By Stromer, 36th District.

A BILL FOR AN ACT to amend section 44-513, Revised Statutes Supplement, 1972, relating to insurance; to provide that an insured be entitled to reimbursement for services performed by a psychologist; and to repeal the original section.

LEGISLATIVE BILL 713. By Snyder, 14th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to adopt the Metropolitan City Off-Street Parking Act of 1974; to provide for construction; and to declare an emergency.

LEGISLATIVE BILL 714. By F. Carstens, 30th District.

A BILL FOR AN ACT relating to banks; to provide for a minimum loan charge for banks; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
701	Public Works	708	Misc. Subjects
702	Urban Affairs	709	Agric. & Env.
703	Urban Affairs	710	Labor
704	Gov. Mil. & Vets Affs	711	Judiciary
705	Judiciary	712	Bkg Comm. & Ins.
706	Cons. Rev. & Rec.	713	Urban Affairs
707	Judiciary	714	Bkg Comm. & Ins.

(Signed) Terry Carpenter, Chairman

VISITORS

President Marsh introduced 30 students, Teacher Laurene Gillispie and Mother, Mrs. Brockoven from Belmont School, Lincoln; 40 students, Teachers Ms. Lindstrom and Ms. Schneider from Havelock School, Lincoln.

President Marsh introduced former Senator Marvin Stromer.

ADJOURNMENT

At 12:02 p.m., on a motion by Speaker Proud, the Legislature adjourned until 10:00 a.m., Tuesday, January 8, 1974.

Vincent D. Brown
Clerk of the Legislature

SIXTH DAY—JANUARY 8, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 8, 1974

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor of Westminster Presbyterian Church.

Eternal God our Father, history and experience have given us so many evidences of thy guidance to States, to Nations, and to individuals, that we desire to believe in Thy power and Thy willingness to direct us.

We find ourselves at times heavy laden by the complexities of the issues of our State, and also burdened by things that do not matter, anxious over problems of our own creation. Help us to listen to the inner voice of your Spirit.

Give us the faith to believe that when God wants us to do or not to do a particular thing God finds a way of letting us know it.

Let this moment change our day because we believe that in Your Will is our nation's peace and our peace. Through Jesus Christ our Lord we pray. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Cavanaugh who was absent until 10:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Waldron asked unanimous consent to be excused Wednesday, January 9, 1974. No objections. So ordered.

MOTION—January 16 Session

Speaker Proud moved that we not meet on Wednesday, January 16. The motion prevailed.

ATTORNEY GENERAL'S OPINION

Opinion No. 116
January 7, 1974

Dear Senator Schmit:

In your letter of January 3, 1974, you ask our opinion of a proposed bill, described as the "Family Farm Bill of 1974." Summarized, this bill defines a "family farm corporation," as one in which the majority of the stock is held by members of the same family, with at least one of the stockholders residing on or actively operating the farm. An "authorized farm corporation" is defined as one having not more than ten shareholders, all of whom are natural persons, having only one class of stock, and whose revenues from rent, royalties, dividends, interest, and annuities does not exceed 20 per cent of its gross receipts. With some exceptions, the details of which we will not go into at this time, the act would forbid a corporation other than a family farm corporation or an authorized farm corporation to engage in farming or to hold title to real estate used for farming or capable of being used for farming.

Serious questions arise as to whether this proposed bill provides reasonable classifications. We are unable to perceive why the public interest would be endangered more by having a corporation with more than ten stockholders own farm land, or engage in farming, than by having a family farm corporation or authorized farm corporation, as defined in the act, own such real estate or engage in such business. The Legislature has considerable control over the activities of corporations, but we are unable to perceive the basis for the classifications made by this act.

There is the further question as to whether there is a rational basis for classifying the agricultural industry, and agricultural lands, differently from other businesses and property in the way accomplished by this bill. We discussed similar legislation which had been introduced in 1972 in an opinion of this office dated March 21, 1972. Report of the Attorney General 1971-72, page 275. We reached the conclusion that there would be serious difficulty in attempting to defend the constitutional validity of this type of legislation. We enclose herein a copy of that opinion, and feel that the same difficulty would be encountered with respect to the proposed bill you have submitted to us with your letter.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jc

CC: Vincent D. Brown

REPORT OF NATURAL RESOURCE DISTRICTS

In accordance with the provisions of Sec. 2-3262 R.R.S. the following is a list of legal fees paid by Natural Resource Districts during 1973:

Middle Republican Natural Resource District	
Fred Schroeder, Jr.	\$1,006.50

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 513. Placed on Select File as amended.
E & R amendments to LB 513:

1. On page 2, line 7, insert an underscored comma after "homes"; and in lines 19 and 20, strike the commas and show the same as stricken.
2. On page 3, insert "shall" at the end of line 25.
3. On page 4, line 23, insert "shall" after "and" and strike the second comma; and in line 24 strike both commas.
4. On page 6, lines 14 and 15, strike "through 1395 11" and insert "to 139511"; and in line 15 after "amended" strike "to" and insert "as of".
5. On page 8, insert an underscored comma after "provides" in line 15, "hours" in line 16, and "care" in line 24.
6. In the title, strike lines 2 to 12 and insert:
"FOR AN ACT to amend sections 71-2017 and 71-2018, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to restate purpose; to define terms; to provide for the licensing of additional facilities; and to repeal the original sections."

LEGISLATIVE BILL 508. Placed on Select File as amended.
E & R amendment to LB 508:

1. In the title, line 5, strike "serve" and insert "be used only".

Correctly Enrolled

The following bills were correctly enrolled: 280, 280A and 435.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed: LB 280, LB 280A, LB 435 and LR 98.

NOTICE OF COMMITTEE HEARINGS**Banking, Commerce and Insurance**

LB 626 (Reset)	Monday, January 21, 1974	2:00 p.m.
LB 672 (Reset)	Monday, January 21, 1974	2:00 p.m.
LB 712	Monday, January 21, 1974	2:00 p.m.
LB 714	Monday, January 21, 1974	2:00 p.m.

(Signed) F. Carstens, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 715. By Whitney, 44th District.

A BILL FOR AN ACT relating to cemetery districts; to create a sinking fund; to prescribe its purpose; and to provide for deposit.

LEGISLATIVE BILL 716. By Executive Board, Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to amend section 50-401.02, Revised Statutes Supplement, 1972, relating to the Legislative Council; to provide the Legislature or the Executive Board of the Legislative Council discretion to hire an Executive Director; and to repeal the original section.

LEGISLATIVE BILL 717. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 74-1305, Reissue Revised Statutes of Nebraska, 1943, relating to the railroad transportation safety district; to increase powers of the district; and to repeal the original section.

LEGISLATIVE BILL 718. By Constitutional Revision and Recreation Committee; Syas, 13th District, Chairman; Kelly, 35th District; Snyder, 14th District; Anderson, 37th District; Keyes, 3rd District; F. Carstens, 30th District.

A BILL FOR AN ACT to amend section 74-424, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to allow certain acquisitions of real estate by agencies of this state; and to repeal the original section.

LEGISLATIVE BILL 719. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 79-2202, Reissue Revised Statutes of Nebraska, 1943, relating to educational service units; to provide that any county that has been within an educational service unit for two or more years may place the issue of withdrawing from the educational service unit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 720. By Wiltse, 1st District.

A BILL FOR AN ACT to amend section 60-1403.01, Revised Statutes Supplement, 1972, relating to the Motor Vehicle Industry Licensing Act; to eliminate an exception to the requirement for licensing of salesmen; and to repeal the original section.

LEGISLATIVE BILL 721. By Wiltse, 1st District.

A BILL FOR AN ACT to amend section 8-140, Revised Statutes Supplement, 1973, relating to personal loans by banks and trust companies; to provide that loans to active officers or employees may be made as prescribed; to repeal the original section; and to declare an emergency.

RESOLUTIONS**LEGISLATIVE RESOLUTION 99.**

Introduced by Stromer, 36th District.

Resolved, By the Legislature of the State of Nebraska, that said Legislature, hereby and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States:

ARTICLE

"Section 1. On or before the fifteenth day after the beginning of each regular session of the Congress, the President shall transmit to the Congress a budget which shall set forth separately

"(1) his estimate of the receipts of the Government, other than trust funds, during the ensuing fiscal year under the laws then existing;

"(2) his recommendations with respect to outlays to be made from funds other than trust funds during such ensuing fiscal year; and

"(3) if such recommendations exceed such estimate, a surtax rate which the President determines to be necessary to be applied with respect to the income tax of taxpayers to those portions of taxable years of

taxpayers occurring during such fiscal year, so that such receipts will equal such outlays.

Such surtax shall be effective and so applied to such fiscal year except as otherwise provided in section 2 of this article.

"Sec. 2. During the first quarter of each fiscal year, and during the third quarter of each fiscal year, the Speaker of the House of Representatives shall

"(1) estimate the receipts of the Government, other than trust funds, during such fiscal year;

"(2) estimate outlays to be made from funds other than trust funds during such fiscal year; and

"(3) (A) if such estimate of outlays exceeds such estimate of receipts, determine a surtax rate which the Speaker considers necessary to be applied, with respect to the income tax of taxpayers, to those portions of taxable years of taxpayers remaining in such fiscal year, so that such receipts will equal such outlays; or

"(B) if such estimate of outlays equals such estimate of receipts, determine that no surtax rate is necessary to be applied. Any such determination shall be effective, and so applied, with respect to the remainder of such fiscal year commencing on the first day of the first month commencing at least thirty days after such determination by the Speaker. The surtax rate determined by the President under section 1 of this article shall not thereafter be applied commencing with such effective date.

"Sec. 3. During the last month of each fiscal year, the President shall review whether the receipts of the Government, other than trust funds, for such year will be less than the outlays other than trust funds for that fiscal year. If he finds that such receipts are going to be less than such outlays, he shall determine a surtax rate which he considers necessary to be applied with respect to the income tax of taxpayers, so that taxes received by the Government from such surtax, when added to other receipts of the Government, will equal such outlays. Such surtax shall be effective, and so applied, as determined by the President only during the next succeeding fiscal year. The surtax effective and applied under this section is in addition to any other surtax that may be effective and applied under this article and may not be superseded or modified under section 1 or 2 of this article.

"Sec. 4. The provisions of sections 1, 2, and 3 of this article may be suspended in the case of a grave national emergency declared by Congress (including a state of war formally declared by Congress) by a concurrent resolution, agreed to by a rollcall vote of three-fourths of all the Members of each House of Congress, with each such resolution providing the period of time (not exceeding one year) during which those provisions are to be suspended.

"Sec. 5. This article shall take effect on the first day of the calendar year next following the ratification of this article.

"Sec. 6. The Congress shall have power to enforce this article by appropriate legislation."; and be it further

Resolved, That this application by the Legislature of the State of Nebraska constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1975, this application for a state application shall no longer be of any force of effect; and be it further

Resolved, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the Legislature of the State of Nebraska interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions; and be it further

Resolved, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of the Congress from this State and to each House of each State Legislature in the United States.

UNANIMOUS CONSENT—Bracket LB 131

Mr. Snyder asked unanimous consent to bracket LB 131 on E & R Final. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 212. E & R amendments found in the Journal on page 170 for the Fifth Day were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 104. Considered.

Mr. Stahmer asked unanimous consent to withdraw his pending amendment found in the Journal on page 178 for the Fifth Day. No objections. So ordered.

Mr. Stahmer offered the following amendment which was adopted:

Amend LB 104 add on page 4, line 4 after "conditions" add "and is not a part of an Urban Area".

Mr. Dickinson moved to indefinitely postpone LB 104.

Mr. Rasmussen moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 30 ayes, 3 nays and 16 not voting.

The Dickinson motion to indefinitely postpone lost with 8 ayes, 35 nays and 6 not voting.

Mr. Stahmer offered the following amendment:

To amend LB 104 page 3, line 20, after Urban Area, add "provided that such land shall be unrestricted for public use".

The amendment lost with 6 ayes, 29 nays and 14 not voting.

Advanced to E & R for Review with 36 ayes, 6 nays and 7 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to start with LB 590 on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 590. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 591. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 592. Title read. Considered.

Laid over temporarily at the request of Mr. Carpenter.

LEGISLATIVE BILL 593. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 594. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 595. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 596. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 396. Considered.

Mr. Carpenter asked unanimous consent to withdraw his pending amendments found in the Journal on page 576 for the Thirty-seventh day (First Session). No objections. So ordered.

Mr. Carpenter asked unanimous consent to print the following amendments in the Journal. No objections. So ordered.

1. Page 4, line 4, strike after "A" all of lines 4 thru 17 and insert "an not more than 5% total shall be invested in this class."

2. Page 3, line 25, 26, 27 (12) strike everything; page 4, line 1, strike "State;"

3. Page 3, line 25, after "more;" insert "of maturities not longer than 30 days"

4. (1) After section 2 of the Mahoney amendment insert:

"Sec. 3. That section 81-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-103. The Governor shall have authority to establish the salaries of all persons connected with the various departments including the heads thereof.; Provided, that the state investment officer shall receive an annual salary of twenty-seven thousand five hundred dollars."

(2) Renumber original section 3 as section 4.

(3) On page 4 line 18 strike "72-1246 and 72-1256" and insert "72-1246, 72-1256, and 81-103".

Bracketed until Thursday, January 10, 1974 at the request of Mr. Carpenter.

LEGISLATIVE RESOLUTION 8. Read and Considered.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 722. By Luedtke, 28th District.

A BILL FOR AN ACT to amend section 29-2215, Revised Statutes Supplement, 1972, relating to criminal procedure; to provide that the Nebraska Probation Administration Act shall be applicable to the municipal court; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 723. By Luedtke, 28th District.

A BILL FOR AN ACT to amend section 29-2261, Revised Statutes Supplement, 1972, relating to criminal procedure; to provide for furnishing probation officers copies of criminal records as the probation officer may request without cost; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 724. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 79-1531, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to provide deposits in the School Employees' Savings Fund may be made by the school district; and to repeal the original section.

LEGISLATIVE BILL 725. By Marvel, 33rd District.

A BILL FOR AN ACT to amend section 77-503, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.01, Revised Statutes Supplement, 1973, relating to the State Board of Equalization and Assessment; to change the date the board shall set the income and sales tax rates; to expand the manner special meetings of such board may be called; and to repeal the original sections.

LEGISLATIVE BILL 726. By Marvel, 33rd District.

A BILL FOR AN ACT to amend section 81-8,255, Reissue Revised Statutes of Nebraska, 1943, relating to the Governor's Commission on the Status of Women; to provide for appointment of members on a partisan basis; to provide procedures; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 727. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Goodrich, 20th District; Schmit, 23rd District; Cavanaugh, 9th District; Maresh, 32nd District; R. Lewis, 38th District; F. Lewis, 45th District.

A BILL FOR AN ACT relating to insurance; to adopt the Model Health Maintenance Organization Act; and to provide severability.

LEGISLATIVE BILL 728. By Richendifer, 16th District.

A BILL FOR AN ACT to amend section 79-2210, Reissue Revised Statutes of Nebraska, 1943, section 2-3225, Revised Statutes Supplement, 1972, and section 79-2626, Revised Statutes Supplement, 1973, relating to taxation; to provide that in setting the levy, the district board shall use the valuation of the district for the year that the tax is assessed; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS Agriculture and Environment

Second Hearing on the Livestock & Retail Price Spread will be held on Friday, January 18, 1974 at 2:00 p.m. in the East Senate Lounge.

(Signed) Loran Schmit, Chairman

Public Works

LB 653	Thursday, January 17, 1974	2:00 p.m.
LB 654	Thursday, January 17, 1974	2:00 p.m.
LB 655	Thursday, January 17, 1974	2:00 p.m.
 LB 656	 Friday, January 18, 1974	 2:00 p.m.
LB 643	Wednesday, January 23, 1974	2:00 p.m.
LB 673	Wednesday, January 23, 1974	2:00 p.m.
 LB 611	 Thursday, January 24, 1974	 2:00 p.m.
LB 701	Thursday, January 24, 1974	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Constitutional Revision and Recreation

LB 649	Thursday, January 24, 1974	2:00 p.m.
LB 686	Thursday, January 24, 1974	2:00 p.m.

(Signed) George Syas, Chairman

EXPLANATION OF VOTE

If I had been present and voting on LB 280, LB 280A and LB 435 on January 7 on Final Reading, I would have voted "aye".

(Signed) Gerald Stromer

EASE

The Legislature was at ease from 11:30 a.m. until 12:03 p.m. to participate in a special tribute to Dr. John G. Neihardt, Poet Laureate of Nebraska.

A copy of Legislative Resolution 98 was presented to the Neihardt family in tribute to Dr. Neihardt.

The members and guests stood for a moment of silence in memorial to Dr. Neihardt.

MESSAGES FROM THE GOVERNOR

January 7, 1974

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that on July 7, 1972, I appointed James M. Jackson as Director of the Department of Insurance. This appointment requires legislative confirmation.

Mr. Jackson serves at the pleasure of the Governor.

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

January 7, 1974

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

As you know, Section 81-1503(2) requires not only that all appointments of members of the Environmental Control Council be confirmed by the Legislature, but that they be re-confirmed after two years of service.

On June 18, 1973, I informed your honorable body that I had appointed Dale Sampson of Utica to the Environmental Control Council

for a four year term expiring June 22, 1977. This appointment remains to be confirmed.

It so happens that the other 15 members of the Council will complete two years of service in the early part of this year. It would be appropriate, then, for my letters of July 5, July 13 and July 16, 1973, to be withdrawn. I am now requesting confirmation of Mr. Sampson's appointment and re-confirmation of the other members, whose names are:

William R. Hunter	James H. Walston	Eugene M. O'Neill
Dr. Anthony J. Catana	Leonard J. Schaefer	Paul F. Harm
Robert Cox	T. C. Reeves	Louis G. Riha
John T. Harris	Betty Abott	Margaret Sutherland
Richard A. Veach	Richard Dugdale	Larry E. Donegan

I respectfully submit these reappointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

RESOLUTIONS

LEGISLATIVE RESOLUTION 100.

Introduced by J. W. Burbach, 19th District; Walter H. Epke, 24th District; Calvin F. Carsten, 2nd District; Dennis Rasmussen, 41st District; Otho Kime, 43rd District; Loran Schmit, 23rd District.

WHEREAS, a critical situation threatens the consumer's future supply of meat, present meat price trends at farm and retail levels threaten both the nation's economy and the consumer's supply of food; and

WHEREAS, staggering losses in below production costs, livestock prices the past four months have resulted in multi-billion dollar losses to the livestock feeder and the nation's economy; and

WHEREAS, the problem touches every rural and urban resident as the economic drain suffered at producer level becomes a concern of our nation's economy; and

WHEREAS, producer costs are up, income is down and the retail consumer costs for meat have not adequately reflected the drastic losses suffered by our feedlots; and

WHEREAS, it is the concern of the Nebraska Legislature that an even flow of food products exist between producer and consumer; and

WHEREAS, it is important that the consumer be advised that livestock prices at farm level are at depressed levels, that unrealistic price spreads between producer and consumer at retail level are unfair to the consumer

and hinder the ultimate flow of food products from farm to dinner table; and

WHEREAS, necessary information must be made available to the consumer to substantiate the need for improved livestock income and a full account of the processor and retailer costs must be public knowledge to consumers for public assurance that proper returns are realized to maintain continuity of our nation's food supply.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That the Federal Trade Commission be charged with the responsibility of studying, researching, and investigating the present marketing and pricing structure in the livestock industry toward the end of providing for a more equitable distribution of profits among producers, processors, and retailers and bring the marketing spread back into line.

2. That the Legislature of the State of Nebraska pledges whatever assistance possible to assist the Federal Trade Commission in carrying out such responsibility.

3. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached thereto be forwarded to the Secretary of Agriculture, Secretary of the Treasury, the Chairman of the House Agricultural Committee, the Secretary of the Federal Trade Commission, each member of the Nebraska Congressional delegation, and to the legislature of each of the several states.

VISITORS

President Marsh introduced 48 students and teachers Mrs. Dale and Mrs. Stelges from Havelock School, Lincoln.

Mr. R. Lewis introduced a group from the McCook Chamber of Commerce.

ADJOURNMENT

Mr. Rasmussen moved to adjourn until 8:00 a.m., Wednesday, January 9, 1974. The motion prevailed with 20 ayes, 19 nays and 10 not voting and at 12:10 p.m. the Legislature adjourned until 8:00 a.m., Wednesday, January 9, 1974.

Vincent D. Brown
Clerk of the Legislature

SEVENTH DAY—JANUARY 9, 1974

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 9, 1974

Pursuant to adjournment, the Legislature met at 8:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor of Westminster Presbyterian Church.

O God, we thank You for this wonderful country of which we are a part, and for our state, blessed by its great natural resources.

We thank You for the greatest of resources, its people. We ask that you will look with favor upon all those who lead and who work for our human betterment.

We lift our prayers for the Governor of this state, for our Lieutenant Governor, and for the members of the Legislature, as they endeavor to bring to pass those things which work for our good. By the power of Your Divine Spirit assist them to fulfill creatively their challenging responsibilities in a just and wise manner.

Help them to stand for what is right, not because it may yield dividends later, but because it is right now. Assist them to the end that their achievements will bring forth increased blessing for the common good. Through Jesus Christ, our Lord, we pray, Amen.

ROLL CALL

The roll was called and all members were present except Mr. Waldron who was excused until 8:10 a.m.; Mr. Luedtke who was absent until 8:20 a.m.; Messrs. F. Carstens and Fowler who were absent until 8:30 a.m.; Mr. Cavanaugh who was absent until 9:30 a.m., and Mr. Proud who was absent until 9:45.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 101.

Introduced by Anderson, 37th District.

WHEREAS: Death and injury on the roadways of our state have brought sorrow and economic loss to the citizens of Nebraska, and;

WHEREAS: The lives lost on Nebraska's roads are of deep concern to Nebraska's Unicameral, and;

WHEREAS: 1972 saw Nebraska one of three states to reduce its death toll, and;

WHEREAS: 1973 saw Nebraska one of the nation's top two states in again leading the reduction of this highway carnage with a death toll reduction from 485 in 1972 to 432 in 1973, and;

WHEREAS: Statistical authorities had projected that Nebraska's death toll in 1973 would be 508, but that figure fell short by 76;

NOW, THEREFORE, LET IT BE RESOLVED THAT:

Nebraska's Legislature salutes and commends the Governor of this State for his dedicated efforts in encouraging traffic safety in Nebraska; the Department of Motor Vehicles and the Nebraska Highway Safety Program, including the Governor's Highway Safety Advisory Committee who spearhead Nebraska's traffic safety efforts, all local traffic safety commissions, ASAP programs, SLAP committees and other who direct the local highway safety efforts; Nebraska's news media for its work in promoting a greater public consciousness of safe driving; the railroads of Nebraska for their promotion of Operation Lifesaver; and all other agencies, commissions, citizen's groups, councils, and individuals who have contributed so significantly to the saving of lives on Nebraska's highways.

BE IT FURTHER RESOLVED that Nebraska's Legislative body will continue to provide both leadership involvement and legislative support for efforts that will save lives on Nebraska's highways and byways.

Mr. Anderson moved to suspend the rules and consider LR 101 at this time. The motion lost with 19 ayes, 1 nay and 29 not voting.

SELECT FILE

LEGISLATIVE BILL 513. E & R amendments found in the Journal on page 184 for the Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 508. E & R amendment found in the Journal on Page 184 for the sixth day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE RESOLUTION 8. Considered.

Mr. Maresh offered the following amendment which was adopted:
Amend LB 8 to insert at end of last sentence: "approximately one-half to be elected every two years"

Advanced to E & R for Review with 33 ayes, 9 nays and 7 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 43A. Replaced on Select File as amended.
E & R amendment to LB 43A:

1. In the title, line 5, strike "1973 to June 30, 1974" and insert "1974 to June 30, 1975".

LEGISLATIVE BILL 162. Replaced on Select File as amended.
E & R amendment to LB 162:

1. In lieu of the Marvel amendment, adopted 1/7/74, in new section 2, line 2, strike "1973" and insert "1974".

LEGISLATIVE BILL 162A Replaced on Select File as amended.
E & R amendment to LB 162A:

1. In lieu of the Marvel amendment adopted 1/7/74, on page 2, line 4, and in the title, line 5, strike "1973 to June 30, 1974" and insert "1974 to June 30, 1975".

LEGISLATIVE BILL 306A. Replaced on Select File as amended.
E & R amendment to LB 306A:

1. In the title, line 4, strike "1973 to June 30, 1974" and insert "1974 to June 30, 1975".

LEGISLATIVE BILL 506A. Replaced on Select File as amended.
E & R amendment to LB 506A:

1. In the title, lines 4 and 5, strike "1973 to June 30, 1974" and insert "1974 to June 30, 1975".

LEGISLATIVE BILL 17. Replaced on Select File as amended.
E & R amendment to LB 17:

1. In lieu of the unnumbered Burbach amendment adopted 1/7/74, in renumbered section 2, lines 41 and 46, insert "and from time to time as in his judgment seems necessary," after "annually".

(Signed) John J. Cavanaugh, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
715	Labor	722	Judiciary
716	Miscellaneous Subjects	723	Judiciary
717	Public Works	724	Retirement
718	Cons. Rev. & Rec.	725	Miscellaneous Subjects
719	Education	726	Labor
720	Public Works	727	Pub. Hlth & Wel.
721	Bkg Comm. & Ins.	728	Revenue

(Signed) Terry Carpenter, Chairman

GENERAL FILE

LEGISLATIVE BILL 92. Bracketed until January 16, 1974, at the request of Mr. Snyder.

LEGISLATIVE BILL 520. Bracketed at the request of Mr. Luedtke.

LEGISLATIVE BILL 128. Title read. Considered.

Mr. Waldron asked unanimous consent to withdraw his pending amendment found in the Journal on page 125 for the Second Day. No objections. So ordered.

Mr. Waldron offered the following amendment:

1. On page 2 lines 2 and 3 strike "a color photograph" and insert "affixed thereto the right index fingerprint"; in line 10 strike "a color photograph" and insert "such fingerprint"; in line 11 strike "color photograph" and insert "the right index fingerprint"; in line 14 strike "photographs" and insert "fingerprint"; and in line 16 after "vehicles." insert "The Director of Motor Vehicles shall provide procedures and exceptions to carry out the provisions of this section.".

2. On page 5 lines 16 to 25 strike the new matter and reinstate the stricken matter.

3. On page 6 line 19 strike "two dollars" and reinstate "one dollar".

4. On page 7 line 24 reinstate "fifty cents" and in line 25 strike the new matter.

Mr. Waldron moved for a Call of the House. The motion prevailed with 25 ayes, 16 nays and 8 not voting.

The Call showed 44 members present.

Mr. Clark moved the Call be raised. The motion prevailed with 35 ayes, 1 nay and 13 not voting.

The Waldron amendment lost with 19 ayes, 22 nays and 8 not voting.

Mr. Rasmussen moved to Indefinitely Postpone LB 128.

The motion prevailed with 22 ayes, 20 nays and 7 not voting.

UNANIMOUS CONSENT—Unbracket LB 377

Mr. Simpson asked unanimous consent to unbracket LB 377. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 377. Considered.

Mr. Richendifer asked unanimous consent to withdraw his pending amendments found in the Journal on page 132 for the Second Day. No objections. So ordered.

Mr. Carpenter asked unanimous consent to withdraw his pending amendment found in the Journal on page 132, for the Second Day. No objections. So ordered.

Mr. Simpson offered the following amendment which was adopted:

1. Strike Section 1, and insert the following:

“Section 1. That section 23-122 Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-122. The county board of all counties having a population of not more than two hundred thousand inhabitants shall cause to be published within ten days after the close of each annual, regular, or special meeting of the board, a brief statement of the proceedings thereof which shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item, in one newspaper of general circulation published in the county, and also its proceedings upon the equalization of the assessment roll; Provided, between July 15 and August 15 of each year the names of all employees and their current annual, monthly, or hourly salaries shall be published and any changes in salaries or the hiring of new employees during the calendar quarter preceeding the months of October, January, and

April shall be published during the months of November, February, and May; and provided further, no publication in a newspaper shall be required unless the same can be done at an expense not exceeding three-fourths of the legal rate for advertising notices."

Advanced to E & R for Review with 32 ayes, 4 nays and 13 not voting.

LEGISLATIVE RESOLUTION 19. Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 432. Title Read. Considered.

Mr. Syas asked unanimous consent to withdraw his pending amendments found in the Journal on page 1495, Seventy-Sixth Day (First Session). No objections. So ordered.

Mr. Whitney offered the following amendment:

1. Strike sections 1 to 4 and insert the following:

"Section 1. The State Department of Education is hereby
2 directed to develop and provide a comprehensive education
3 program for acoustically handicapped children in western
4 Nebraska to be operated as a satellite program by the Nebraska
5 School for the Deaf. Such program shall be in operation no
6 later than October 1, 1974. Such program shall be designed
7 to serve acoustically handicapped children at the preschool
8 and primary level of education. Any acoustically handicapped
9 child whose needs are not satisfactorily met by such program
10 shall be referred to the Nebraska School for the Deaf.

Sec. 2. The State Department of Education shall coordinate
2 the curriculum and method of service delivery of the education
3 program for acoustically handicapped children with the program
4 offered by the Nebraska School for the Deaf.

Sec. 3. The State Department of Education shall promulgate
2 such rules and regulations as shall be necessary to implement
3 this act.

Sec. 4. Since an emergency exists, this act shall be in full
2 force and take effect, from and after its passage and approval,
3 according to law."

Mr. Kelly offered the following amendment to the Whitney amendment which was adopted:

Page 1 of Whitney amendment, Section 1, line 3 strike "western"

The Whitney amendment, as amended, was adopted.

Advanced to E & R for Review with 42 ayes, 0 nays and 7 not voting.

LEGISLATIVE BILL 592. Bracketed until January 16, 1974, at the request of Mr. Carpenter.

MOTION—Return LB 127 to Committee

Mr. Luedtke moved to return LB 127 to Judiciary Committee. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

ANNOUNCEMENT

Mr. Maresh announced that the Labor Committee will hold a meeting today at 2:00 p.m. with Judge Novicoff in Room 1009. They will discuss amendments to "Workmen's Compensation Laws". Any senator wishing to make recommendations in this area should let their wish be known at this time.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 223	Monday, January 14, 1974	2:00 p.m.
LB 620	Monday, January 14, 1974	2:00 p.m.
LB 685	Monday, January 14, 1974	2:00 p.m.
LB 664	Monday, January 14, 1974	2:00 p.m.
LB 666	Monday, January 14, 1974	2:00 p.m.
LB 354	Tuesday, January 15, 1974	2:00 p.m.
LB 658	Monday, January 21, 1974	2:00 p.m.
LB 684	Monday, January 21, 1974	2:00 p.m.
LB 697	Monday, January 21, 1974	2:00 p.m.
LB 670	Monday, January 21, 1974	2:00 p.m.
LB 683	Monday, January 21, 1974	2:00 p.m.
LB 635	Tuesday, January 22, 1974	2:00 p.m.
LB 647	Tuesday, January 22, 1974	2:00 p.m.
LB 707	Tuesday, January 22, 1974	2:00 p.m.
LB 700	Tuesday, January 22, 1974	2:00 p.m.
LB 711	Tuesday, January 22, 1974	2:00 p.m.
LB 628	Wednesday, January 23, 1974	2:00 p.m.
LB 669	Wednesday, January 23, 1974	2:00 p.m.
LB 617	Monday, January 28, 1974	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

Agriculture and Environment

LB 599	Thursday, January 17, 1974	2:00 p.m.
LB 674	Thursday, January 17, 1974	2:00 p.m.
LB 675	Thursday, January 17, 1974	2:00 p.m.
LB 694	Thursday, January 17, 1974	2:00 p.m.

(Signed) Loran Schmit, Chairman

Revenue

LB 597	Monday, January 28, 1974	2:00 p.m.
LB 606	Monday, January 28, 1974	2:00 p.m.
LB 632	Monday, January 28, 1974	2:00 p.m.
LB 618	Tuesday, January 29, 1974	2:00 p.m.
LB 657	Tuesday, January 29, 1974	2:00 p.m.

(Signed) J. W. Burbach, Chairman

Miscellaneous Subjects

LB 603	Thursday, January 17, 1974	2:00 p.m.
LB 638	Thursday, January 17, 1974	2:00 p.m.
LB 682	Thursday, January 17, 1974	2:00 p.m.

(Signed) J. James Waldron, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on January 9, 1974 at 9:00 a.m.:
LB 280, LB 280A and LB 435.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORT**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: 7, 217, 389, 567.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Dickinson asked unanimous consent to be excused Thursday, January 10, 1974. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB
705COMMITTEE
Re-referred from Judiciary Committee to
Government, Military & Veterans Affairs

(Signed) Terry Carpenter, Chairman

GENERAL FILE

LEGISLATIVE BILL 565. Title read. Considered.

Mr. Syas moved for a Call of the House on advancing LB 565 to E & R for Review. The motion prevailed with 18 ayes, 6 nays and 25 not voting.

Mr. Syas moved that the Call be raised. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Review with 32 ayes, 4 nays and 13 not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 117
January 8, 1974

Dear Senator Syas:

In your letter of January 2, 1974, you enclose a copy of a proposed bill which would amend Section 77-103, R. R. S. 1943, and Sections 60-1601, 60-1601.01 and 60-1602, R. S. Supp., 1972, and ask us for an opinion as to the constitutional validity of the bill.

The bill would amend Sections 60-1601, 60-1601.01 and 60-1602 to remove any cabin trailer or mobile home "which is situated on real estate and connected to one or more available utilities and used as living quarters" from the requirement of obtaining the permit provided for in Section 60-1602. Section 4 of the bill would amend Section 77-103, R. R. S. 1943, to include cabin trailers or mobile homes which are located or situated on real estate and connected to one or more available utilities and used as living quarters in the definition of real property, real estate and lands for the purpose of taxation.

We believe that there is serious doubt as to the constitutional validity of taxing cabin trailers and mobile homes in this way, and, aside from constitutional considerations, it would appear to create a chaotic situation with respect to taxation.

At the present time such cabin trailers and mobile homes are classified as motor vehicles, centrally assessed pursuant to the provisions of Sections 77-1238 to 77-1241, and taxed as motor vehicles. This bill, apparently, would change this system with respect to cabin trailers or mobile homes

connected to available utilities and used as living quarters on January 1, and would, instead, tax such cabin trailers and mobile homes as real estate.

We note that there is no requirement that the real estate upon which the cabin trailers or mobile homes are to be situated belong to the owner of the cabin trailer or mobile home. Unquestionably, a cabin trailer or mobile home moved into a trailer park and connected with utilities remains personal property under the general law. It is not permanently attached to the real estate, and it is the intention of all of the parties to the transaction that it may be removed at any time. In *Moeller, McPherrin & Judd v. Smith*, 127 Neb. 424, an attempt had been made to include certain intangible property under the definition of tangible property. The court said:

"Can the legislature define and designate as tangible that which is, in fact and in truth, intangible? It may be admitted that the legislature has power to define words used by it, but is this an unlimited power, or is it subject to a reasonable construction? Tangible is the direct opposite of intangible; and can the legislature, under the guise of calling it two separate classes of tangible property, include all intangible property under class 2 of tangible property? In our opinion, there is a limit to the legislature's power to nullify and circumvent constitutional provisions by putting an arbitrary, but improper and unfounded, definition upon a certain word."

We believe this language is applicable here. The property in question is, without doubt, personal property, and, when situated on real estate not owned by the owner of the cabin trailer or mobile home, there is never an intention that the cabin trailer or mobile home shall become a part of the real estate upon which it is situated. We therefore believe that it would be difficult to defend this bill against the contention that it involves unreasonable classification, in violation of Article III, Section 18 of the Nebraska Constitution.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Vincent D. Brown

SPEAKER PROUD PRESIDING

GENERAL FILE

LEGISLATIVE BILL 490. Title read. Considered.

Mr. Kremer offered the following amendments to the Standing Committee amendments found in the Journal on page 957, Fifty-seventh Day (First Session), which were adopted:

1. On lines 24 and 25 of Standing Committee amendment after "pay" strike ", to the supplier of electricity, severance damages including loss of revenue and limited to the cost" and insert "just compensation to the supplier of electricity for supportable costs"; and on lines 27 and 28 after "relocated," strike "severance damages will be made" and insert "just compensation for removal of said service".
2. On page 2 line 3 after "39-1320.09." strike lines 3 to 8 through the period, and show as stricken the old matter, and insert "The department may at its discretion require permits for advertising signs, displays, or devices which are placed or allowed to exist along or upon any interstate or primary highway or at any point within six hundred sixty feet of the right-of-way thereof, except for signs located within an area of fifty feet of any commercial or industrial building on the premises. Such permit shall be renewed biennially.".

PRESIDENT MARSH PRESIDING

The Standing Committee amendments were adopted, as amended.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 729. By Murphy, 17th District.

A BILL FOR AN ACT to amend section 62-301, Revised Statutes Supplement, 1973, relating to holidays; to authorize and designate May 30 as Memorial Day and November 11 as Veterans Day or federally recognized holidays in lieu of or in addition thereto as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 730. By F. Carstens, 30th District.

A BILL FOR AN ACT to amend sections 76-802, 76-803, 76-804, 76-806, 76-807, 76-809, 76-810, 76-816, 76-819, 76-820, and 76-823, Reissue Revised Statutes of Nebraska, 1943, relating to the Condominium Property Act; to redefine terms; to change provisions relating to the use

and enjoyment of apartments; to add provisions relating to the common elements as prescribed; to expand upon how property should be insured or altered; and to repeal the original sections, and also sections 76-821 and 76-822, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 731. By Judiciary Committee; Luedtke, 28th District, Chairman; Stull, 49th District; DeCamp, 40th District; Carpenter, 48th District; Barnett, 26th District; Chambers, 11th District; Fellman, 4th District.

A BILL FOR AN ACT relating to civil procedure; to provide for attorney fees to be taxed as part of the costs when any person, partnership, or corporation recovers a judgment or award against a political subdivision of this state.

LEGISLATIVE BILL 732. By Judiciary Committee; Luedtke, 28th District, Chairman; Stull, 49th District; Richendifer, 16th District; Barnett, 26th District; Fellman, 4th District; DeCamp, 40th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 48-108, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to provide for payment of the attorney's fee; and to repeal the original section.

LEGISLATIVE BILL 733. By Judiciary Committee; Luedtke, 28th District, Chairman; Richendifer, 16th District; Stull, 49th District; Carpenter, 48th District; Barnett, 26th District; Fellman, 4th District; DeCamp, 40th District; Chambers, 11th District.

A BILL FOR AN ACT to amend sections 24-541, 25-1901, 29-613, 29-614, and 43-202, Revised Statutes Supplement, 1972, relating to appellate review of county court actions; to eliminate petition in error proceedings; to correct a cross reference; to establish procedures for review of juvenile cases; to provide standards for modification of sentences; to repeal the original sections, and also sections 25-1909 and 25-1910, Revised Statutes Supplement, 1972, and to declare an emergency.

LEGISLATIVE BILL 734. By Judiciary Committee; Luedtke, 28th District, Chairman; Richendifer, 16th District; Stull, 49th District; Carpenter, 48th District; Chambers, 11th District; DeCamp, 40th District; Barnett, 26th District.

A BILL FOR AN ACT to amend sections 30-901, 30-902, 30-904, 30-905, 30-906, 30-907, and 30-1001, Reissue Revised Statutes of Nebraska, 1943, relating to decedents' contracts for the sale of land; to grant jurisdiction to the county courts to authorize such sales; and to repeal the original sections.

LEGISLATIVE BILL 735. By Judiciary Committee; Luedtke, 28th District, Chairman; Richendifer, 16th District; Stull, 49th District; Carpenter, 48th District; Chambers, 11th District; Barnett, 26th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 24-508, Revised Statutes Supplement, 1972, relating to county courts; to permit associate county judges to serve counties other than the ones for which they were appointed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 736. By Judiciary Committee; Luedtke, 28th District, Chairman; Richendifer, 16th District; Stull, 49th District; Carpenter, 48th District; Chambers, 11th District; Barnett, 26th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 33-139, Reissue Revised Statutes of Nebraska, 1943, and section 33-138, Revised Statutes Supplement, 1972, relating to fees; to provide fees for jurors and witnesses in the district, county, and municipal courts; and to repeal the original sections, and also section 33-140, Revised Statutes Supplement, 1973.

LEGISLATIVE BILL 737. By Judiciary Committee; Luedtke, 28th District, Chairman; Richendifer, 16th District; Stull, 49th District; Carpenter, 48th District; DeCamp, 40th District; Barnett, 26th District; Chambers, 11th District; Fellman, 4th District.

A BILL FOR AN ACT to amend section 25-1056, Revised Statutes Supplement, 1972, relating to garnishment in aid of execution; to change garnishment procedures as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 738. By Judiciary Committee; Luedtke, 28th District, Chairman; Richendifer, 16th District; Stull, 49th District; Carpenter, 48th District; Barnett, 26th District; Fellman, 4th District; DeCamp, 40th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 32-1044, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to provide for filling vacancies in county offices, as prescribed; and to repeal the original section.

LEGISLATIVE BILL 739. By Judiciary Committee; Luedtke, 28th District, Chairman; Richendifer, 16th District; Stull, 49th District; Carpenter, 48th District; Barnett, 26th District; Fellman, 4th District; DeCamp, 40th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 33-123, Revised Statutes Supplement, 1972, relating to fees; to change the fee for civil matters in county court; and to repeal the original section.

LEGISLATIVE BILL 740. By Judiciary Committee, Luedtke, 28th District, Chairman; Richendifer, 16th District; Stull, 49th District; Carpenter, 48th District; Barnett, 26th District; Fellman, 4th District; Chambers, 11th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 84-1301, Revised Statutes Supplement, 1973, relating to State Employees Retirement Act; to except the Clerk and Reporter of the Supreme Court from the provisions of Chapter 84, Article 13; and to repeal the original section.

LEGISLATIVE BILL 741. By Judiciary Committee; Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Richendifer, 16th District; DeCamp, 40th District; Barnett, 26th District; Chambers, 11th District; Fellman, 4th District.

A BILL FOR AN ACT relating to disqualifications of applicants with criminal records for a permit, registration, certificate, or license to practice a trade, occupation or profession; and to establish standards.

LEGISLATIVE BILL 742. By Judiciary Committee; Luedtke, 28th District, Chairman; Stull, 49th District; Richendifer, 16th District; Carpenter, 48th District; DeCamp, 40th District; Barnett, 26th District.

A BILL FOR AN ACT to amend section 28-4,117, Revised Statutes Supplement, 1972, relating to the Uniform Controlled Substances Act; to bring schedules in compliance with federal classifications; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 743. By Judiciary Committee; Luedtke, 28th District, Chairman; Stull, 49th District; Richendifer, 16th District; Carpenter, 48th District; DeCamp, 40th District; Barnett, 26th District; Chambers, 11th District.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to provide that analyses reports of the Department of Health detecting controlled substances be admissible as prima facie evidence as prescribed.

LEGISLATIVE BILL 744. By Judiciary Committee; Luedtke, 28th District, Chairman; Stull, 49th District; Richendifer, 16th District; Carpenter, 48th District; Barnett, 26th District; Fellman, 4th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 28-4,135, Revised Statutes Supplement, 1972, relating to the Uniform Controlled Substances Act; to

provide for the destruction of large quantities of substances seized as prescribed; to provide how such substances shall be accepted as evidence; and to repeal the original section.

LEGISLATIVE BILL 745. By Judiciary Committee; Luedtke, 28th District, Chairman; Stull, 49th District; Richendifer, 16th District; Carpenter, 48th District; Chambers, 11th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 28-4,125, Revised Statutes Supplement, 1973, relating to controlled substances; to increase the term of imprisonment for specified first conviction with no eligibility for probation; and to repeal the original section.

LEGISLATIVE BILL 746. By Judiciary Committee; Luedtke, 28th District, Chairman; Stull, 49th District; Richendifer, 16th District; Carpenter, 48th District; Chambers, 11th District; Barnett, 26th District; Fellman, 4th District;

A BILL FOR AN ACT to declare as the policy of the State of Nebraska the protection of the common law right of privacy and to authorize the courts of Nebraska to provide legal and equitable relief for violations of the right of privacy.

LEGISLATIVE BILL 747. By Judiciary Committee; Luedtke, 28th District, Chairman; Stull, 49th District; Richendifer, 16th District; Carpenter, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 28-4,125, Revised Statutes Supplement, 1973, relating to controlled substances; to make it unlawful to deliver or dispense a substance represented to be a controlled substance but which is not such a substance; to provide for penalties; and to repeal the original section.

LEGISLATIVE BILL 748. By Judiciary Committee; Luedtke, 28th District, Chairman; Stull, 49th District; Richendifer, 16th District; Carpenter, 48th District; DeCamp, 40th District; Barnett, 26th District.

A BILL FOR AN ACT to amend section 28-4, 130, Revised Statutes Supplement, 1972, relating to controlled substances; to provide for restitution as an additional penalty; and to repeal the original section.

LEGISLATIVE BILL 749. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 70-642, Reissue Revised Statutes of Nebraska, 1943, relating to public power districts; to state a public policy; to provide for construction, building, alteration, extension, or improvement when materials, machinery, or apparatus cannot be provided

in time to meet service requirements or no bids are received; to provide contract conditions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 750. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 25-1559, Reissue Revised Statutes of Nebraska, 1943, relating to exemptions from execution; to provide exemptions for disabled members of the armed forces of the United States; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 751. By Stull, 49th District.

A BILL FOR AN ACT to amend section 62-301, Revised Statutes Supplement, 1973, relating to state holidays; to provide provisions that may be followed by banks when any state and federal holiday is observed on a different date; and to repeal the original section.

LEGISLATIVE BILL 752. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 77-202.25, Revised Statutes Supplement, 1972, relating to taxation; to provide an exemption of sixty-two and one half per cent not to exceed three hundred dollars; to repeal the original section; and also sections 77-202.26 to 77-202.29, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 753. By Keyes, 3rd District.

A BILL FOR AN ACT relating to highways; to provide for footpaths and bicycle trails as prescribed; to define terms; to provide for allocation of funds; and to provide duties.

LEGISLATIVE BILL 754. By Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 60-1401.02, 60-1403.01, 60-1406, 60-1407.03, 60-1407.06, 60-1411.01, 60-1411.02, 60-1411.03, 60-1415, 60-1416, 60-1417, and 60-1419, Revised Statutes Supplement, 1972, and section 60-1402, Revised Statutes Supplement, 1973, relating to motor vehicles; to redefine terms; to provide a per diem; to provide that no minor shall be eligible for any license; to permit specified sales other than at the established place of business; to change fees; to grant power to deny any application for license or to revoke or suspend any license for employment of an unlicensed salesman; to change provisions for unauthorized acts; to change the penalty for acting as dealer without a license; to provide for showing whether a sale is pursuant to a warranty; to provide the time to keep copies of instruments; to increase the penal provision of bonds; to require the taking of title when selling on

consignment except as prescribed; to provide procedures; and to repeal the original sections.

LEGISLATIVE BILL 755. By F. Carstens, 30th District.

A BILL FOR AN ACT to amend sections 30-217, 30-331, 30-401, 30-601, 30-603, 30-604, 30-1413, and 30-1415, Reissue Revised Statutes of Nebraska, 1943, and sections 30-103 and 30-341, Revised Statutes Supplement, 1972, relating to decedents' estates; to provide for notices; to increase the value of the personal estate that may be transferred without judicial proceedings; to reduce the time for filing inventories; to reduce the time for filing claims; to reduce the time for accounting; and to repeal the original sections.

LEGISLATIVE BILL 756. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Kennedy, 21st District; Kime, 43rd District; C. Carsten, 2nd District; Dickinson, 31st District; Rasmussen, 41st District.

A BILL FOR AN ACT relating to appropriations; to eliminate funds to be used by the Agricultural Products Industrial Utilization Committee, Agency No. 60, from the appropriation made to the Legislative Council; to appropriate one hundred seventeen thousand four hundred twenty-three dollars from the Agricultural Alcohol Fuel Tax Fund for the period ending June 30, 1974 to the Agricultural Products Industrial Utilization Committee, Agency No. 60, for Program 516; to amend section 2, Legislative Bill 259, Eighty-third Legislature, First Session, 1973; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 757. By Dickinson, 31st District.

A BILL FOR AN ACT to amend sections 31-727, 31-728, 31-729, 31-739, 31-740, 31-744, and 31-749, Revised Statutes Supplement, 1973, relating to sanitary and improvement districts; to provide additional authority as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 758. By Waldron, 42nd District.

A BILL FOR AN ACT to amend section 53-117, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to provide the commission with additional powers and duties as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 759. By Simpson, 46th District.

A BILL FOR AN ACT relating to alcoholic liquor; to provide for a maximum number of retail alcoholic liquor licenses for each county as prescribed; and to provide duties for the Nebraska Liquor Control Commission.

LEGISLATIVE BILL 760. By Fellman, 4th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 12, of the Constitution of Nebraska, relating to revenue; to provide for partial relief from taxation; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

MOTION—Suspend Rules

Mr. Burbach moved to suspend the rules to consider LR 100 at this time. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

RESOLUTIONS**LEGISLATIVE RESOLUTION 100.** Read and Considered.

LR 100 was adopted with 41 ayes, 0 nays and 8 not voting.

NOTICE OF COMMITTEE HEARINGS
Education

LB 615 (Cancelled) Monday, January 14, 1974

2:00 p.m.

(Signed) Jerome Warner, Chairman

Government, Military and Veterans Affairs

LB 621 Thursday, January 17, 1974

2:00 p.m.

LB 622 Thursday, January 17, 1974

2:00 p.m.

LB 625 Thursday, January 17, 1974

2:00 p.m.

LB 689 Thursday, January 17, 1974

2:00 p.m.

LB 704 Thursday, January 17, 1974

2:00 p.m.

(Signed) Ernest Chambers, Chairman

RESOLUTIONS**LEGISLATIVE RESOLUTION 102.**

Introduced by Epke, 24th District; Anderson, 37th District; Burbach, 19th District; Carpenter, 48th District; C. Carsten, 2nd District; Cavanaugh, 9th District; Clark, 47th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Fowler, 27th District; Goodrich, 20th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kime, 43rd District; F. Lewis, 45th District; R. Lewis, 38th District; Mahoney, 5th District; Maresh, 32nd District; Marsh, 29th District; Moylan, 6th District; Murphy, 17th District; Nore, 22nd District; Proud, 12th District; Rasmussen, 41st District; Richendifer, 16th District; Savage, 10th District; Schmit, 23rd District; Simpson, 46th District;

Skarda, 7th District; Stahmer, 8th District; Stromer, 36th District; Stull, 49th District; Warner, 25th District; Whitney, 44th District; Wiltse, 1st District.

WHEREAS, after three decades of dedication to train young people for the World of Work, Lowell A. Welsh has now retired as Director of the Technical College at Milford; and

WHEREAS, his personal pioneering and successes in Vocational-Technical education has won national recognition; and

WHEREAS, his steadfast efforts through times when occupational education was unpopular have caused his colleagues to perceive him as The Father of Vocational-Technical Education in Nebraska; and

WHEREAS, nearly six thousand graduates have learned the dignity of work at Milford.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature wishes to recognize the valuable contributions he has made to the State of Nebraska and acknowledge and honor his tireless efforts to dignify occupational training and skilled work endeavors.

2. That the Legislature extends its hope that retirement will allow for fulfillment of his personal goals and his continued advise to Nebraska education and industrial leaders.

3. That a copy of this resolution be presented on January 20, 1974 at the college during an Honor's reception in his behalf.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 761. By Fowler, 27th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to provide for control of beverage containers; to define terms; to provide for enforcement; to provide penalties; to provide for legislative study; and to provide an operative date.

LEGISLATIVE BILL 762. By Clark, 47th District.

A BILL FOR AN ACT to amend section 75-303, Revised Statutes Supplement, 1973, relating to motor carriers; to exempt governmental subdivisions when engaged in the transportation of persons sixty years of age and older, their spouses and dependents, and the handicapped; and to repeal the original section.

LEGISLATIVE BILL 763. By Richendifer, 16th District.

A BILL FOR AN ACT to amend section 60-311, Revised Statutes Supplement, 1972, relating to motor vehicles; to change the issuance of license plates from every three years to every four years; and to repeal the original section.

LEGISLATIVE BILL 764. By Duis, 39th District.

A BILL FOR AN ACT relating to insurance; to provide that the Director of Insurance may find certain rates filed to be excessive; and to provide procedures for notice and hearing.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
729	Bkg, Comm. & Ins.	747	Judiciary
730	Bkg, Comm. & Ins.	748	Judiciary
731	Judiciary	749	Public Works
732	Judiciary	750	Judiciary
733	Judiciary	751	Bkg, Comm. & Ins.
734	Judiciary	752	Revenue
735	Judiciary	753	Public Works
736	Judiciary	754	Misc. Subjects
737	Judiciary	755	Judiciary
738	Judiciary	756	Agric. & Env.
739	Judiciary	757	Public Works
740	Judiciary	758	Misc. Subjects
741	Judiciary	759	Misc. Subjects
742	Judiciary	760	Const. Rev. & Rec.
743	Judiciary	761	Misc. Subjects
744	Judiciary	762	Public Works
745	Judiciary	763	Public Works
746	Judiciary	764	Bkg, Comm. & Ins.

(Signed) Terry Carpenter, Chairman

MOTION—Enforce Rule

Mr. Carpenter moved that the Chair enforce the Rule regarding floor privileges. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

MESSAGE FROM THE GOVERNOR

January 7, 1974

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointment to the Public Welfare and Public Institutions Advisory Committee:

G. Bill Burrows, RFD 1, Adams, Nebraska – for a term of four years expiring January 1, 1978.

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

ADJOURNMENT

At 11:47 a.m., on a motion by Mrs. Marsh, the Legislature adjourned until 10:00 a.m., Thursday, January 10, 1974.

Vincent D. Brown
Clerk of the Legislature

EIGHTH DAY—JANUARY 10, 1974

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 10, 1974

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor of Westminster Presbyterian Church.

O God, our Father in Heaven, we unite in prayer for thy blessings upon the members of this body. We know that Thou art lovingly concerned about the way we live and how we work and wear ourselves to fatigue.

In our eager concern to accomplish the thing we believe is so important we often fail to take into account that thou art in ultimate control. Save us, O Lord, from seeking the approval of men while forgetting that it is thy approval which brings us peace of mind and a clear conscience.

Help us to remember that thou art writing the record of men, states, and nations by which whatever is true will endure. May we be able to discern the difference between faith and fatalism, between activity and accomplishment, and help us to seek your wisdom in all things.

Give us the courage now to do what needs to be done, and to accept with grace what cannot be done, we pray in the Spirit of the Master Workman, Jesus Christ, Amen.

ROLL CALL

The roll was called and all members were present except Messrs. F. Carstens, Dickinson and Proud who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventh Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 104. Placed on Select File as amended.

E & R amendment to LB 104:

1. On page 3, strike line 27 and on page 4
strike lines 1 to 4 and insert:

“ ‘Constitutional amendment to provide that
the Legislature may by general law exempt
from ad valorem taxation in whole or in
part lands and areas devoted to the creation
and preservation of forest and wooded lands
and water areas except those which are urban
in character, a part of or connected with a
residential or commercial development,
occupied by improvements, or used for
producing income.’ ”

2. In the title, strike beginning with “to”
in line 5 through the semicolon in line 8 and insert “to
provide that the Legislature may by general law exempt
from ad valorem taxation certain forest and wooded lands
and water areas;”.

LEGISLATIVE BILL 590. Placed on Select File.

LEGISLATIVE BILL 591. Placed on Select File.

LEGISLATIVE BILL 594. Placed on Select File.

LEGISLATIVE BILL 595. Placed on Select File.

LEGISLATIVE BILL 596. Placed on Select File as amended.

E & R amendment to LB 596.

1. On page 2, line 21, insert “Committee on”
at the end of the line.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Kennedy asked unanimous consent to print amendments to LB 302 in
the Journal. No objections. So ordered.

(Printed separate from the Journal and on file in the Clerk’s office.)

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business,
the President signed: LR 100.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 765. By Syas, 13th District.

A BILL FOR AN ACT to amend section 37-501, Revised Statutes Supplement, 1972, relating to game and fish; to make it unlawful to have any shotgun having shells in either the chamber or magazine in or on any vehicle on any public road; and to repeal the original section.

LEGISLATIVE BILL 766. By Syas, 13th District.

A BILL FOR AN ACT to amend section 37-905, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to change the privileges of controlled shooting area conferred by license; and to repeal the original section.

LEGISLATIVE BILL 767. By Syas, 13th District.

A BILL FOR AN ACT to amend sections 37-215 and 37-215.03, Revised Statutes Supplement, 1972, relating to game and fish; to provide for limiting permits to kill deer or antelope; to provide for determining eligibility of applicants for permits; to raise the fee for permits; to repeal the original sections, and also section 37-215.04, Revised Statutes Supplement, 1972; and to declare an emergency.

LEGISLATIVE BILL 768. By Syas, 13th District.

A BILL FOR AN ACT to amend section 14-102, Revised Statutes Supplement, 1972, relating to cities of the metropolitan class; to prohibit and control the throwing, depositing, or accumulation of litter on any lot or piece of ground within the the metropolitan city; to assess the cost of destroying weeds and worthless vegetation and removal of litter as prescribed; and to repeal the original section.

LEGISLATIVE BILL 769. By Johnson, 15th District.

A BILL FOR AN ACT to amend section 39-703, Revised Statutes Supplement, 1972, relating to highways; to make it unlawful to divert water onto or across a public road so as to saturate or wash or impair the passability of public roads; and to repeal the original section.

LEGISLATIVE BILL 770. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 48-217, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to delete the prohibition of the agency shop; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 43A. E & R amendments found in the Journal on page 198 for the Seventh Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 162. E & R amendments found in the Journal on page 198 for the Seventh Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 162A. E & R amendments found in the Journal on page 198 for the Seventh Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 306A. E & R amendments found in the Journal on page 198 for the Seventh Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 506A. E & R amendments found in the Journal on page 198 for the Seventh Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 17. E & R amendments found in the Journal on page 198 for the Seventh Day were adopted.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 513 to Select File

Mr. Kennedy moved to return LB 513 to Select File for the following specific amendment:

1. After “living” in line 7 on page 4 insert:

“ As a convenience the licensee may assist a resident of a custodial foster home, boarding home for the aged, mental health center or center for the developmentally disabled in taking routine oral or external medications prescribed for the resident by a licensed physician and dispensed by a licensed pharmacist, and may provide storage and handling of such medication. This service shall be permitted only pursuant to regulations adopted by the Department of

Health to insure proper storage, handling and disposal of controlled substances and all other drugs and must conform to all state and federal statutes, rules and regulations, and standards regarding the dispensing, prescribing, administration and storage of controlled substances and all other drugs”.

Motion pending.

Bracketed on E & R Final at the request of Mr. Kennedy.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 771. By Stull, 49th District.

A BILL FOR AN ACT to amend section 77-2315, Reissue Revised Statutes of Nebraska, 1943, relating to the deposit and investment of public funds; to clarify how certain surplus funds shall be credited; and to repeal the original section.

LEGISLATIVE BILL 772. By Warner, 25th District.

A BILL FOR AN ACT to adopt the Public School Support Act of 1974; to amend section 79-4,102, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.01, Revised Statutes Supplement, 1973; to provide for the setting of tax rates; to change the basis for determining the nonresident high school tuition rate; to provide severability; to repeal sections 79-1330 to 79-1340 and 79-1342 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1972; to provide when such repeal shall become operative; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 773. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 42-104, Revised Statutes Supplement, 1972, relating to marriage; to require birth control information be furnished to applicants for marriage licenses; and to repeal the original sections.

LEGISLATIVE BILL 774. By Stromer, 36th District.

A BILL FOR AN ACT to amend section 23-1206.01, Reissue Revised Statutes of Nebraska, 1943, relating to county officers; to provide for a full-time county attorney in certain counties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 775. By Fowler, 27th District.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1973, relating to the Employment Security Law; to increase the maximum weekly benefit amount; to provide for transition from former law to law as amended; and to repeal the original sections.

LEGISLATIVE BILL 776. By Fowler, 27th District.

A BILL FOR AN ACT relating to lobbying; to restrict certain lobbying activities; and to provide a penalty.

LEGISLATIVE BILL 777. By Snyder, 14th District.

A BILL FOR AN ACT to amend sections 25-2221, 62-301, and 84-104.01, Revised Statutes Supplement, 1973, relating to holidays; to designate the last Monday in May as Memorial Day and the fourth Monday in October as Veterans Day; to provide that federal holidays shall be observed as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 778. By Snyder, 14th District.

A BILL FOR AN ACT to amend section 71-173, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of podiatry; to clarify provisions; and to repeal the original section.

LEGISLATIVE BILL 779. By Wiltse, 1st District.

A BILL FOR AN ACT to amend section 81-805, Revised Statutes Supplement, 1972, relating to the Game and Parks Commission; to change powers of the commission; and to repeal the original section.

LEGISLATIVE BILL 780. By Fellman, 4th District.

A BILL FOR AN ACT relating to taxation; to authorize counties containing cities of the metropolitan class to impose a sales tax on lodging as prescribed; to provide for the use and disposition of the proceeds; to authorize such county to contract for services; and to provide when the act shall become operative.

LEGISLATIVE BILL 781. By Fellman, 4th District.

A BILL FOR AN ACT to amend section 44-2201, Revised Statutes Supplement, 1972, and sections 44-201 and 44-203, Revised Statutes Supplement, 1973, relating to insurance; to clarify authority in the Director of Insurance to regulate variable life insurance; to clarify references to variable annuities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 782. By Fellman, 4th District.

A BILL FOR AN ACT relating to jails; to provide that the county board also serve as a county board of corrections; to provide duties; and to state legislative intent.

GENERAL FILE

LEGISLATIVE BILL 396. Considered.

Mr. Carpenter asked unanimous consent to withdraw his pending amendments found in the Journal on page 190 for the Sixth Day. No objections. So ordered.

Mr. Carpenter offered the following amendments:

1. On page 4, line 4, strike after "(a)" all of lines 4 thru 17 and insert "not more than that per cent of the total money held on January 1, 1974 shall be invested in this class.".

2. On page 3, line 25 after "(12)" strike the rest of the line and lines 26 and 27; page 4 line 1 strike "state" and show as stricken.

3. Page 3, line 25, after "more," insert "of maturities not longer than ninety days".

4. After section 2 of the Mahoney amendment insert:

"Sec. 3. That section 81-103, Reissue Revised Statutes of

2 Nebraska, 1943, be amended to read as follows:

3 81-103. The Governor shall have authority to establish the

4 salaries of all persons connected with the various departments

5 including the heads thereof; Provided, that the state invest-

6 ment officer shall receive an annual salary of twenty-seven

7 thousand five hundred dollars.".

5. Renumber original section 3 as section 4.

6. On page 4 line 18 strike "72-1246 and 72-1256" and insert 72-1246, 72-1256, and 81-103".

Amendments pending.

NOTICE OF COMMITTEE HEARING

Public Works

LB 717 Friday, January 18, 1974 2:00 p.m.

LB 749 Wednesday, January 23, 1974 2:00 p.m.

LB 720 Thursday, January 24, 1974 2:00 p.m.

LB 762 Thursday, January 24, 1974 2:00 p.m.

Eighty-third Legislature, First Session, 1973; to increase the appropriation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 788. By Nebraska Retirement Systems Committee: Whitney, 44th District, Hasebroock, 18th District; F. Lewis, 45th District; Luedtke, 28th District; Marvel, 33rd District.

A BILL FOR AN ACT to amend sections 79-2634 and 79-2635, Revised Statutes Supplement, 1973, relating to technical community colleges; to provide that the State Board of Technical Community Colleges shall provide uniform retirement benefits for all technical community colleges; and to repeal the original sections.

LEGISLATIVE BILL 789. By Nebraska Retirement Systems Committee: Whitney, 44th District, F. Lewis, 45th District; Hasebroock, 18th District; Goodrich, 20th District; Luedtke, 28th District; Marvel, 33rd District.

A BILL FOR AN ACT to amend sections 44-1620, 44-1623, 44-1624, 44-1625, 44-1626, and 44-1627, Revised Statutes Supplement, 1973, relating to group insurance; to clarify terms; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 790. By C. Carsten, 2nd District.

A BILL FOR AN ACT to amend section 84-142 to 84-150, Reissue Revised Statutes of Nebraska, 1943, relating to planning; to define and redefine terms; to provide for regions; to change planning provisions; to provide for state financial assistance to councils of governments as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 791. By Luedtke, 28th District.

A BILL FOR AN ACT to amend section 77-2703, Reissue Revised Statutes of Nebraska, 1943, and section 77-2704, Revised Statutes Supplement, 1972, relating to sales and use taxes; to increase the amount of exemption; and to repeal the original section.

LEGISLATIVE BILL 792. By Marvel, 33rd District.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1113, Reissue Revised Statutes of Nebraska, 1943; to change certain dates; and to repeal the original section.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 10:00 a.m., Monday, January 14, 1974.

Vincent D. Brown
Clerk of the Legislature

**NINTH DAY—JANUARY 14, 1974
LEGISLATIVE JOURNAL**

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 14, 1974

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor of Westminster Presbyterian Church.

O God, our Father, help us never to be ashamed to come to Thee in prayer in time of our country's crisis. Together we pray for our national leaders and for our Governors and Senators, members of our State Legislature.

O God, we face the immediate crisis of conserving our sources of energy while wisely searching for new forms of power. We seek wisdom in protecting our environment while using more beneficially earth's gifts without exploiting them.

We pray for your wisdom in controlling our economy, providing incentives to progress in production and just wages, without gouging the public with excessive inflation.

Lord, in all of these things we need a higher wisdom than our own lest we turn potential progress into decline.

We pray that we may be guardians of what is truly good for our people in each enactment that is achieved, and that we shall remain in unity with our brothers. Amen.

ROLL CALL

The roll was called and all members were present except Mr. DeCamp who was excused until he arrives, Mr. R. Lewis who was excused until 11:00 a.m. and Mr. Stull who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighth Day was approved.

UNANIMOUS CONSENT—Members Excused

Mr. Richendifer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Speaker Proud asked unanimous consent to be excused tomorrow. No objections. So ordered.

MOTION—New Bill Requests

Speaker Proud moved that no bills by individual senators be accepted by the bill drafters after 12:00 noon today. The motion prevailed with 26 ayes, 3 nays and 20 not voting.

MESSAGE FROM THE GOVERNOR

January 10, 1974

Mr. Vincent D. Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 435.

This bill was signed by me on January 9, 1974 and delivered to the Secretary of State.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINION

Opinion No. 119
January 9, 1974

Dear Senator DeCamp :

You have directed our attention to a statutory provision which requires the payment of a \$2.00 fee by one who desires to have a prosecution brought for the issuance to him of an insufficient fund or no account check; and you request our opinion as to the constitutionality of such provision.

Actually the payment of the \$2.00 fee is not an essential prerequisite to an insufficient fund or no account check prosecution. Rather, the statutes (28-1214, R. S. Supp., 1972) simply provide that there shall be a rebuttable presumption of criminal intent, without any other proof thereof, in the event the maker of a dishonored check does not make restitution within a period of five days from the sending of a notice by the County Attorney. It is for this notice that the depositor of the check is required to pay the \$2.00 fee. Although, obviously, the chances of a successful prosecution will be enhanced by invocation of the presumption, the element of criminal intent may otherwise be established. The depositor is not required to request the notice; and, of course, in the event no notice is requested there will be no fee payable. However, that fact in and of itself does not control the answer to your question.

In Nebraska all crimes and penalties therefor are strictly statutory creations. The constitution of this state confers plenary legislative power upon the Unicameral; and if an act is within the legitimate exercise of that power, it is valid unless some express restriction or limitation can be found in the constitution itself. *State ex rel. Quinn v. Marsh*, 141 Neb. 436, 3 N. W. 2d 892. By virtue of these principles, the Legislature may statutorily define crimes and legislate with respect to matters pertaining thereto, except as may be forbidden by the constitution. Where the Legislature exercises its discretion to define crimes and determine their punishment within constitutional limits, its action is not subject to review by the courts; and ulterior evidence will not be received to impeach such legislative enactment. *State v. Smith*, 114 Neb. 653, 209 N. W. 328. Irrespective of whether the statutory provision here under consideration may be good or bad as a matter of general policy it cannot be declared void as being against public policy, since the provision, when duly enacted into statute, constitutes the expressed public policy of the State upon that subject. *State v. Heldenbrand*, 62 Neb. 136, 87 N. W. 25. When the Legislature has spoken and has enacted a law embodying a certain principle, the policy is determined and the courts are not concerned with the wisdom or expediency 8, in *Lowe v. State of Kansas*, 163 U. S. 81, 16 S. Ct. 1031, 41 L. Ed. 78. The Kansas of the law, but are concerned only with interpretation of the law for the purpose of ascertaining the underlying legislative intent. *Kinney Loan & Finance Co. v. Sumner*, 159 Neb. 57, 65 N. W. 2d 240.

The due process and equal protection clauses appear to be the only constitutional provisions with which conceivably there might be an impingement; but we believe there is none. The law applies equally and uniformly to all depositors who tender checks for prosecution. A somewhat similar Kansas statute was involved in *Lowe v. State of Kansas*, 163 U. S. 81, 16 S. Ct. 1031, 41 L. Ed. 78. The Kansas Statute in question provided that, under certain circumstances, a prosecuting witness might be held liable for court costs. The court found that the statute was violative of neither due process nor equal protection of law, as "the statute is

applicable to all persons under like circumstances, and does not subject the individual to an arbitrary exercise of power."

Although perhaps somewhat oppressive and unjust, we are inclined to believe that the statute is not unconstitutional or otherwise void. Needless to say, just as the Legislature had the power to enact the provision in the first place, also it is within the power of the Legislature to eliminate the provision.

You have also requested our opinion as to the constitutionality of legislative bill 568. That bill amends Sections 28-1212 and 28-1213 so as to substantially raise the dollar amount of the dividing line between misdemeanor and felony check offenses. The bill also provides that in the case of felony convictions the trial court may, in effect, enter judgment against the defendant in favor of the injured party. For essentially the same reasons as hereinabove set forth, we see no constitutional infirmity in L. B. 568.

Lastly, you invite us to comment on the wisdom of and probable results which would flow from L. B. 568. This office traditionally has refrained from expressing opinions as to the wisdom of proposed legislation. In this instance it is not appropriate that we deviate from that policy.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:jc
cc: Vincent D. Brown

Opinion No. 121
January 10, 1974

Dear Senator Waldron:

You have asked concerning the responsibility of the state in the case of personal injury of a person 16 years of age in a hunting accident where the shells for the gun were purchased by an adult. The limiting of the right of certain individuals including minors to purchase shells is a federal restriction. We can see no reason why there would be any liability of the state. The mere fact that the Legislature has the right to impose limits upon the sale or use of guns or shells does not create a liability from the failure of the Legislature to so exercise this authority.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Harold S. Salter
Deputy Attorney General
Claims Division

HHS:ct

cc: Vincent D. Brown

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 10, 1974. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Arraj, Robert E. — Kimball, City of Kimball, Nebraska
Blume, David A. — Lincoln (Inactive), Capitol Association for Retarded Children, Inc.
Crosby, Robert B. — Lincoln, Police Officers Association of Nebraska
Gauger, Jan — Lincoln, Lancaster County
Johnston, Miles W. Jr. — Lincoln, Nebraska Republican State Central Committee
Kessner, Theodore L. — Lincoln, Police Officers Association of Nebraska
King, Rex E. — Lincoln, Lincoln Central Labor Union
Leung, Yvonne Norton — Lincoln, Women's Lobby Inc., Nebraska
Magee, Robert Bruce — Lincoln, Lincoln Public Schools - School District No. 1
Melson, Glenn L. — Lincoln, Communications Workers of America Local 7470
Noren, Charles F. - Lincoln, Louis Finocchiaro, Inc.
Robinson, Stephen R. - Lincoln, N-Triple-C Inc.
Ryan, James E. - Lincoln, (Inactive), Coin Operators' Industries of Nebraska, (Inactive), General Tobacco Company, (Inactive), Nebraska New Car Dealers Association
Snow, Dale - Glenvil, The American Legion Department of Nebraska
Tews, David D. - Lincoln, Louis Finocchiaro, Inc.

MESSAGE FROM THE GOVERNOR

January 8, 1974

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments to the Public Employees Retirement Board:

Marvin E. Jewell, Lincoln - for a term of three years expiring January 1, 1977

Howard L. Burdick, Columbus - for a term of three years expiring January 1, 1977

I respectfully submit these appointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 593. Placed on Select File as amended.

E & R amendments to LB 593:

1. On page 9, line 21, strike "in any sum".
2. On page 10, line 10, insert "dollars"
after five.

LEGISLATIVE RESOLUTION 8. Placed on Select File as amended.

E & R amendments to LR 8:

1. In lieu of the Maresh amendment, insert
", with approximately one half to be elected every
two years" after "years" in the last line.

LEGISLATIVE BILL 377. Placed on Select File as amended.

E & R amendments to LB 377:

1. On page 2, line 19, strike "the".
2. In the title, line 4, insert "salary"

after "publishing"; and in line 5 insert "to provide for publishing salary changes and the hiring of new employees;" after the semicolon.

LEGISLATIVE BILL 432. Placed on Select File.

LEGISLATIVE BILL 565. Placed on Select File as amended. E & R amendments to LB 565:

1. On page 2, lines 2 and 3, strike "the State of".

2. In the title, lines 2 and 5, strike "natural" and insert "navigable".

LEGISLATIVE BILL 490. Placed on Select File as amended. E & R amendments to LB 490:

1. In new section 1, line 23, strike "subsection" and insert "subdivision"; and in lines 26 and 27 strike "said" and insert "such".

2. In the Kremer amendment 1, line 7, strike "said" and insert "such".

3. On page 2, line 24, insert an underscored comma after "if".

4. On page 3, line 7, insert an underscored period after "dollars"; and in line 15 strike "39-1320.09" and insert "39-1320.01, 39-1320.09,".

5. In the title, line 2, strike "39-1320.09" and insert "39-1320.01, 39-1320.09,"; in line 4 insert "to provide compensation;" after the semicolon; in line 5 strike "annual"; and strike line 7 and insert "bills; to".

Correctly Engrossed

The following bills were correctly engrossed: 212, 508 and 569.

(Signed) John J. Cavanaugh, Chairman

REFERENCE COMMITTEE REPORT

LR
99

Committee
Constitutional Revision and Recreation

LB
765
766
767
768

Committee
Cons. Rev. & Rec.
Cons. Rev. & Rec.
Cons. Rev. & Rec.
Urban Affairs

LB
769
770
771
772

Committee
Public Works
Labor
Gov. Mil. & Vets Affs
Education

LB	Committee	LB	Committee
773	Pub. Hlth & Wel.	783	Education
774	Judiciary	784	Bkg Comm. & Ins.
775	Labor	785	Judiciary
776	Gov. Mil. & Vets Afrs	786	Retirement
777	Miscellaneous Subjects	787	Retirement
778	Pub. Hlth & Wel.	788	Retirement
779	Cons. Rev. & Rec.	789	Bkg Comm. & Ins.
780	Urban Affairs	790	Miscellaneous Subjects
781	Bkg Comm. & Ins.	791	Revenue
782	Judiciary	792	Appropriations

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARINGS **Committee on Committees**

The Committee on Committees will meet in Executive Session on Tuesday, January 15, 1974, at 1:00 p.m. in Room 2227.

(Signed) Ramey C. Whitney, Chairman

Rules

Mr. Duis announced that the Rules Committee will meet at 1:30 p.m. on Tuesday, January 15, 1974, in Room 2227 to hear Rule Changes of Messrs. DeCamp, Duis and Johnson.

(Signed) Herbert J. Duis

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 793. By Whitney, 44th District.

A BILL FOR AN ACT to amend section 29-2011.01, Revised Statutes Supplement, 1972, relating to criminal procedure; to provide for compulsory testimony or production of evidence on motion by the attorney for defendant; and to repeal the original section.

LEGISLATIVE BILL 794. By Whitney, 44th District.

A BILL FOR AN ACT to amend section 81-815.26, Reissue Revised Statutes of Nebraska, 1943, relating to the state park system; to advance the date for acquisition of property as prescribed; to eliminate obsolete material; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 795. By Richendifer, 16th District.

A BILL FOR AN ACT to amend section 60-403.02, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change the standards requiring wearing protective headgear by an operator or passenger on a motorcycle; and to repeal the original section.

LEGISLATIVE BILL 796. By Richendifer, 16th District.

A BILL FOR AN ACT to amend section 3-504, Revised Statutes Supplement, 1973, relating to airport authorities; to permit an additional mill levy for authorities in villages; and to repeal the original section.

LEGISLATIVE BILL 797. By Richendifer, 16th District.

A BILL FOR AN ACT to amend section 60-311.05, Reissue Revised Statutes of Nebraska, 1943, and sections 60-311, 60-311.02, and 60-311.10, Revised Statutes Supplement, 1972, relating to motor vehicles; to require motor vehicles, trailers, semitrailers, and cabin trailers to have only one number plate; and to repeal the original sections.

LEGISLATIVE BILL 798. By Stahmer, 8th District.

A BILL FOR AN ACT to amend section 79-328, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that the State Board of Education shall assure no segregation in schools; to provide additional provisions prohibiting segregation and discrimination as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 799. By Stahmer, 8th District.

A BILL FOR AN ACT relating to agriculture; to establish the Nebraska Bicentennial Agricultural Research Commission; to establish the Nebraska Bicentennial Agricultural Research Commission Fund; to provide procedures; and to make an appropriation.

LEGISLATIVE BILL 800. By Snyder, 14th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to revenue; to provide that the Legislature may provide for a deduction from the assessed value of buildings, structures, and residential property due to the rehabilitation of such property; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 801. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 81-1329, Revised Statutes Supplement, 1973, relating to the personnel system; to annually amend the classification and pay plan to reflect changes in the consumers price index; and to repeal the original section.

LEGISLATIVE BILL 802. By Keyes, 3rd District.

A BILL FOR AN ACT to adopt the Nebraska Futures Commission Merchants Act; and to provide severability.

LEGISLATIVE BILL 803. By Carpenter, 48th District.

A BILL FOR AN ACT to adopt the Bank Holding Company Act of 1974; to provide definitions; and to repeal sections 8-901 to 8-904, Reissue Revised Statutes of Nebraska, 1943, and sections 8-1201 to 8-1207, Revised Statutes Supplement, 1973.

LEGISLATIVE BILL 804. By Clark, 47th District.

A BILL FOR AN ACT to amend section 57-906, Reissue Revised Statutes of Nebraska, 1943, and section 57-919, Revised Statutes Supplement, 1973, relating to oil and gas conservation; to increase the fee paid to the commission; to increase the charge levied and assessed on the value of oil and gas; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 805. By Public Works Committee: Kremer, 34th District, Chairman; Goodrich, 20th District; Warner, 25th District; Moylan, 6th District; Stromer, 36th District; Hasebroock, 18th District; R. Lewis, 38th District; Wiltse, 1st District.

A BILL FOR AN ACT to amend section 39-1311, Revised Statutes Supplement, 1972, relating to state highways; to require the state to maintain a map of the corridors of the state as prescribed; to require building permits and procedures related thereto; and to repeal the original section.

LEGISLATIVE BILL 806. By C. Carsten, 2nd District.

A BILL FOR AN ACT relating to motor vehicles; to provide warning signs on certain trailers; and to provide a penalty.

LEGISLATIVE BILL 807. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 48-121, Revised Statutes Supplement, 1973, relating to workmen's compensation; to provide for compensation for the loss or loss of use of more than one member; and to repeal the original section.

LEGISLATIVE BILL 808. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 48-162.01, Revised Statutes Supplement, 1972, and section 48-121, Revised Statutes Supplement, 1973, relating to workmen's compensation; to create the Vocational Rehabilitation Fund and provide its source and use; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 809. By Savage, 10th District.

A BILL FOR AN ACT to amend section 48-145, Revised Statutes Supplement, 1972, relating to workmen's compensation law; to exempt cities of the metropolitan class from payment of the annual amount a self-insurer must furnish the State Treasurer; and to repeal the original section.

LEGISLATIVE BILL 810. By Stahmer, 8th District.

A BILL FOR AN ACT to amend sections 43-604, 43-609, 43-620, 43-625, 43-627, 43-627.01, 43-642, 43-646, 43-647, 43-651, 43-660, and 79-444, Revised Statutes Supplement, 1973, relating to the care and education of handicapped children; to redefine terms; to change provisions under which a school district qualifies for state aid for handicapped children; to clarify language; to make this act applicable to children from birth to age twenty-one; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 811. By Chambers, 11th District.

A BILL FOR AN ACT to repeal sections 4-101 to 4-105, Reissue Revised Statutes of Nebraska, 1943, relating to aliens.

LEGISLATIVE BILL 812. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 79-1819, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to extend regulation to schools of modeling; and to repeal the original section.

LEGISLATIVE BILL 813. By Simpson, 46th District.

A BILL FOR AN ACT to amend sections 79-2603 and 79-2617, Revised Statutes Supplement, 1973, relating to technical community colleges; to combine Eastern Nebraska Technical Community College Area with Omaha Nebraska Technical Community College Area; to provide for the transfer of assets; to provide for the appointment and election of a new board; and to repeal the original sections.

LEGISLATIVE BILL 814. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 28-844, Revised Statutes Supplement, 1973, relating to crimes and punishment; to designate the conduct of law enforcement officials for which political subdivisions shall defend and satisfy judgments; and to repeal the original section.

LEGISLATIVE BILL 815. By Goodrich, 20th District.

A BILL FOR AN ACT relating to crimes and punishments; to define terms; to make it unlawful to sell, deliver, distribute, or display for sale to a minor any obscene pictures, drawings, motion picture films, or printed matter; to provide what shall be a defense to prosecution; to provide a penalty; to provide for a declaratory judgment; to define a public nuisance and an action therefor; and to provide exceptions.

LEGISLATIVE BILL 816. By Marsh, 29th District.

A BILL FOR AN ACT relating to the practice of medical technology; to define terms; to provide for licensure; to make certain acts unlawful; to create a cash fund; to provide penalties; and to provide severability.

SELECT FILE

LEGISLATIVE BILL 104. Bracketed to 1-17 at the request of Mr. Syas.

LEGISLATIVE BILL 590. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 591. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 594. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 595. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 596. E & R amendment found in the Journal on page 218 for the Eighth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print in Journal

Mr. Carpenter asked unanimous consent to print the following amendments to LB 592 in the Journal. No objections. So ordered.

Within thirty days after the classification by the county superintendent of schools of the reorganized districts, the county reorganization committee shall appoint from among the qualified electors of each new district created the number of members necessary to

constitute a school board or board of education of the class in which the new district has been classified. The first board shall be appointed on an at large basis and all boards shall be elected at large until such time as districts are established as provided in Section 5-108. If the new district involves territory lying in two or more counties, the school board or board of education shall be appointed by the joint action of the county reorganization committee involved. In appointing the first board of a Class II school district, the members shall be appointed so that the terms of all three members shall expire on the first Tuesday in June of the first even numbered year thereafter, and the terms of the three remaining members shall expire on the first Tuesday in June of the second even numbered year following their appointments.

At the statewide primary election in the first even numbered year after the reorganization there shall be elected in each Class II ~~and Class III~~ school district ~~except a Class III district of which more than one-half of the geographical area lies within a city of the metropolitan class, six~~ three board members ~~with the three candidates receiving the highest number of votes being elected to terms of four years and the three candidates receiving the next highest number of votes being elected to terms of two years thereafter~~ all candidates shall be elected to terms of four years. Each member's terms shall begin on the first Tuesday in June following his election.

In appointing the first board of a Class III school district with a six member board serving terms of four years the terms of three members shall expire on the first Thursday after the first Tuesday in January after the first even numbered year following their appointment and the terms of the three remaining members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment.

In appointing the first board of a Class III school district with a nine member board serving terms of six years the terms of three members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year following their appointment and the terms of three members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment and the terms of the remaining three members shall expire on the first Thursday after the first Tuesday in January after the third even numbered year following their appointment.

Thereafter all Class III school boards with six member boards shall be elected to terms of four years and those Class III school boards with nine members shall be elected to terms of six years.

~~Candidates elected to a term of two years shall at the next statewide primary after the first election be elected to terms of four years and each member shall serve until his successor is elected and qualified. The school board or board of education so appointed shall proceed at once to organize in a manner prescribed by law.~~

At the statewide primary election in each even numbered year, there shall be nominated in each Class III school district whose board of education consists of six members enough members of the board of education to provide for a full complement of six members. Candidates may make a personal filing as provided in Section 32-503.01 or by petition as provided in Section 32-504. Boards of education of Class III districts holding their elections by ward or district shall continue to elect their members in such manner and those boards of education holding their elections at large shall continue to elect their members at large. Any change in the procedures of electing board members from districts or wards to at large or from at large to district or wards shall be by petition as provided in Section 5-108. The number of members to be nominated at the statewide primary election and elected at the statewide general election and the terms for which they will be nominated and elected shall be determined by the county clerk or election commissioner with the aid of the elected secretary of the board of education of the district in accordance with the following:

(a) (i) The term of office of any member of such board that would expire prior to the first Thursday after the first Tuesday in January 1975 is hereby extended to such date.

(ii) The term of office of any member that would expire after such latter date and prior to the first Thursday after the first Tuesday in January 1977 is hereby extended to the first Thursday after the first Tuesday of January 1977.

(iii) The term of office of any member that would expire after such latter date and prior to the first Thursday after the first Tuesday in January 1979 is hereby extended to the first Thursday after the first Tuesday of January 1979.

Terms shall be staggered so by not later than the general election of 1978 three members shall be elected to each six member board at each election. When it becomes necessary to establish the staggering of terms by nominating and electing members for terms of different duration at the same election, candidates receiving the greatest number of votes shall be nominated, provided in no case shall the county clerk or election commissioner placed on the general election ballot more than twice the number of names required to fill the vacancies that will occur. When the name of a person is written in and voted for as a candidate who did not file or become a petition candidate for such nomination, such person shall not be entitled to a certificate of nomination at a statewide primary election nor have his name placed on the general election ballot unless such person shall have received not less than twenty percent of the total votes cast for the candidate receiving the greatest number of votes in the district or ward or the candidate receiving the greatest number of votes when the candidates are nominated at large at the primary election. In the case of a tie vote of any of the candidates in either the primary or general election the county clerk or election commissioner, as the case may be, shall notify such candidates to appear at his office on a given day and hour

to determine the same by lot before the county canvassing board and the certificate of nomination shall be given accordingly. Notice shall be by certified mail.

When more than one person becomes a candidate by filing, petition or write-in procedures for the same position in the primary, the county clerk or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary but in no event shall the names on the official general election ballot be more than twice the number of vacancies to be filled at the general election.

The candidates shall be placed on the general election ballot and the candidates receiving the greatest number of votes shall be elected to terms of the longest duration and those receiving the next greatest number of votes shall be elected to the remaining term or terms. The county clerk or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. The term of office of all such members shall commence on the first Thursday after the first Tuesday in January following each statewide general election. Any vacancy on the board resulting from causes other than expiration of the term shall be filled by vote of the remaining members for the balance of the term.

The board of education of a Class III school district may by resolution provide for an increase in the number of their members from six to nine and the county clerk or election commissioner with the aid of the elected secretary of the board of education of the district shall determine the length of terms for which candidates shall be nominated and elected. The board of education shall appoint members to fill the three vacancies thus created and such appointed members shall serve until the first Thursday after the first Tuesday in January of the next odd numbered year.

The county clerk or election commissioner shall place on the primary and general election ballot a directive specifying the number of candidates for which votes may be cast.

Repeal Section 79-803.

MOTION—Recommendation

Mr. Carpenter moved that the Legislature direct the Attorney General, Secretary of State and the Governor of the State of Nebraska make a recommendation to this body as to what they recommend we do pertaining to the constitutional change whereby the Governor and Lieutenant Governor run together in 1972 which has brought about a question that brings up a situation that obviously is very important, namely whether or not they believe the supreme court, because of the apparent seriousness of the situation, might take the question as a matter of original jurisdiction, because after all the courts are apparently going to have to determine the question in any case, or if it is their collective

judgment that a bill passed by the Legislature would correct the problem, and if the bill was later determined to be unconstitutional, what will we be confronted with then.

Mr. Goodrich offered the following amendment to the Carpenter motion: Amend Senator Carpenter's motion by adding that this group of 3 should also make a recommendation as to the solution of the problem of Legislative confirmation of Governor appointments.

Motion pending. Laid over.

SELECT FILE

LEGISLATIVE BILL 438. Mr. Carpenter's pending amendment found in the Journal on page 133 for the Second Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 396. Laid over temporarily at the request of Mr. Whitney.

LEGISLATIVE RESOLUTION 19. Considered.

Mr. Carpenter asked unanimous consent to withdraw his pending amendment found in the Journal on page 165 for the Fourth Day. No objections. So ordered.

Mr. Carpenter offered the following amendment as a substitute for the Committee recommendations:

Strike Legislative Resolution No. 19, and insert in lieu thereof the following:

"LEGISLATIVE RESOLUTION

Introduced by

WHEREAS, there should be an amendment to the Constitution of the United States providing that no student shall be assigned to nor compelled to attend any particular school on account of race, religion, color, or national origin, or bussing used for such purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Congress of the United States propose an amendment to the Constitution of the United States to read as follows:

"ARTICLE--

No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color, or national origin, or bussing used for such purpose."

2. That a copy of this resolution be sent to each individual member of the House of Representatives of the United States, to each senator of the United States, to the President of the United States, and to the Vice President of the United States."

Mr. Carpenter requested a record vote.

Voting in the affirmative, 26:

Burbach	Carpenter	C. Carsten	F. Carstens	Clark
Dickinson	Epke	Goodrich	Hasebroock	Johnson
Kennedy	Mahoney	Maresch	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Schmit
Snyder	Stromer	Syas	Waldron	Whitney
Wiltse				

Voting in the negative, 1:

Stahmer

Not voting, 22:

Anderson	Barnett	Cavanaugh	Chambers	DeCamp
Duis	Fellman	Fowler	Kelly	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Marsh	Richendifer	Savage	Simpson	Skarda
Stull	Warner			

The Carpenter amendment was adopted with 26 ayes, 1 nay and 22 not voting.

Mr. Chambers moved to indefinitely postpone LR 19.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 15:

Anderson	Barnett	F. Carstens	Cavanaugh	Chambers
DeCamp	Epke	Fellman	Fowler	Keyes
Luedtke	Marsh	Simpson	Stahmer	Warner

Voting in the negative, 27:

Burbach	Carpenter	C. Carsten	Clark	Dickinson
Goodrich	Hasebroock	Johnson	Kennedy	Kime
Kremer	F. Lewis	Mahoney	Maresh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Savage	Skarda	Snyder	Stromer	Syas
Waldron	Wiltse			

Not voting, 7:

Duis	Kelly	R. Lewis	Richendifer	Schmit
Stull	Whitney			

The motion to indefinitely postpone lost with 15 ayes, 27 nays and 7 not voting.

Mr. Stahmer moved to bracket LR 19 indefinitely.

Mr. Stahmer requested a record vote.

Voting in the affirmative, 3:

DeCamp	Marsh	Stahmer
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Voting in the negative, 30:

Carpenter	C. Carsten	Cavanaugh	Chambers	Clark
Dickinson	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kennedy	Kime	F. Lewis	R. Lewis
Mahoney	Maresh	Marvel	Moylan	Nore
Proud	Rasmussen	Savage	Schmit	Skarda
Snyder	Stromer	Syas	Whitney	Wiltse

Not voting, 16:

Anderson	Barnett	Burbach	F. Carstens	Duis
Epke	Kelly	Keyes	Kremer	Luedtke
Murphy	Richendifer	Simpson	Stull	Waldron
Warner				

The motion lost with 3 ayes, 30 nays and 16 not voting.

Mr. Carpenter moved to advance LR 19 to E & R for Review. Mr. Stahmer requested a record vote.

Voting in the affirmative, 27:

Burbach	Carpenter	C. Carsten	Clark	Dickinson
Goodrich	Hasebroock	Johnson	Kennedy	Kime
F. Lewis	R. Lewis	Mahoney	Maresh	Marvel
Moylan	Murphy	Proud	Rasmussen	Savage
Skarda	Snyder	Stromer	Syas	Waldron
Whitney	Wiltse			

Voting in the negative, 15:

Anderson	Barnett	Chambers	DeCamp	Duis
Epke	Fellman	Fowler	Keyes	Luedtke
Marsh	Schmit	Simpson	Stahmer	Warner

Not voting, 7:

F. Carstens	Cavanaugh	Kelly	Kremer	Nore
Richendifer	Stull			

Advanced to E & R for Review with 27 ayes, 15 nays and 7 not voting.

ANNOUNCEMENT

Mr. Waldron announced the Miscellaneous Subjects Committee will meet in executive session immediately following adjournment today in Room 2102.

UNANIMOUS CONSENT—Unbracket Bills

Mr. Barnett asked unanimous consent to unbracket LB 66 on General File. No objections. So ordered.

Mr. Warner asked unanimous consent to unbracket LB 359 on General File. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 817. By Murphy, 17th District.

A BILL FOR AN ACT to amend section 48-1116, Revised Statutes Supplement, 1972, relating to the Equal Opportunity Commission; to increase the size and prescribe the composition of the commission; to provide for the Governor to appoint and fix the compensation of the director; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 818. By Skarda, 7th District.

A BILL FOR AN ACT to amend sections 9-106, 9-107, 9-110, and 9-114, Reissue Revised Statutes of Nebraska, 1943, relating to bingo; to provide for compensation; to permit Sunday playing; to increase allowable charges, prizes, and gross receipts; and to repeal the original sections.

LEGISLATIVE BILL 819. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 48-807, 48-808, 48-814, and 48-815, Reissue Revised Statutes of Nebraska, 1943, and sections 48-804 and 48-813, Revised Statutes Supplement, 1972, relating to the Court of Industrial Relations; to permit a change in office location; to provide for a court clerk; to provide procedures and exemption from Chapter 84, article 9; to remove the power to issue summons; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 820. By Duis, 39th District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1972, relating to sales and use tax; to exempt occasional sales of two hundred dollars or less; and to repeal the original section.

LEGISLATIVE BILL 821. By Dickinson, 31st District.

A BILL FOR AN ACT to amend sections 60-311.07, 60-312, 60-323, 60-339, and 60-341, Reissue Revised Statutes of Nebraska, 1943, sections 60-305.11, 60-310, and 60-315, Revised Statutes Supplement, 1972, and sections 60-301 and 60-320, Revised Statutes Supplement, 1973, relating to motor vehicles; to change the method of registering passenger cars; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 822. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 70-630, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to require reasonable rates to insure a profitable operation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 823. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 23-1722, Revised Statutes Supplement, 1972, relating to county government and offices; to provide for a sheriff's office merit system in counties of sixty thousand or more; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 824. By Fowler, 27th District.

A BILL FOR AN ACT relating to revenue sharing; to permit cities, villages, and counties to accept and expend revenue sharing funds as prescribed; and to declare an emergency.

LEGISLATIVE BILL 825. By Fowler, 27th District.

A BILL FOR AN ACT relating to urban development; to define terms; to grant powers to primary cities having a community development agency; to grant powers to levy taxes; to provide concurrent and independent jurisdiction; and to provide for supplementary powers.

LEGISLATIVE BILL 826. By Burbach, 19th District.

A BILL FOR AN ACT to amend sections 71-4601 to 71-4609, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to adopt the Uniform Standard Code for Mobile Homes and Recreational Vehicles; to amend section 60-1411.02, Revised Statutes Supplement, 1972; to authorize suspension or revocation of a license by the Nebraska Motor Vehicle Industry Licensing Board for violation of such code; to provide severability; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 827. By Moylan, 6th District.

A BILL FOR AN ACT relating to bicycles; to require reflective material on bicycle pedals; and to require tires with retro-reflective material on each side.

LEGISLATIVE BILL 828. By Judiciary Committee: Luedtke, 28th District, Chairman; Richendifer, 16th District; Carpenter, 48th District; Barnett, 26th District; Fellman, 4th District; Chambers, 11th District.

A BILL FOR AN ACT to amend sections 29-901, 29-903, and 29-909, Revised Statutes Supplement, 1972, relating to bail and its incidents; to provide conditions for pretrial release of bailable defendants; and to repeal the original sections.

LEGISLATIVE BILL 829. By Judiciary Committee: Luedtke, 28th District, Chairman; Richendifer, 16th District; Carpenter, 48th District; Chambers, 11th District; Barnett, 26th District; Fellman, 4th District.

A BILL FOR AN ACT relating to criminal procedure; to establish uniform procedures for the issuance of citations in lieu of arrest as prescribed; to amend sections 39-6,105 and 39-6,107, Revised Statutes Supplement,

1973; to provide an operative date; to repeal the original sections, and also sections 39-6,103 and 39-6,106, Revised Statutes Supplement, 1973; and to declare an emergency.

LEGISLATIVE BILL 830. By Warner, 25th District.

A BILL FOR AN ACT relating to zoning regulations; to define general local government; and to provide for adoption and enforcement of land-use regulations to secure safety from floods.

LEGISLATIVE BILL 831. By Warner, 25th District.

A BILL FOR AN ACT relating to taxation; to adopt an income and franchise tax act for the support of the public schools as prescribed; to amend section 77-27,132, Revised Statutes Supplement, 1972; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 832. By F. Carstens, 30th District.

A BILL FOR AN ACT relating to the Supreme Court; to provide for retired judges to hold court in the state; to relieve congested dockets as prescribed; and to provide for reimbursement.

LEGISLATIVE BILL 833. By Stromer, 36th District.

A BILL FOR AN ACT to amend sections 70-719, 70-720, 70-721, and 70-722, Reissue Revised Statutes of Nebraska, 1943, relating to electric cooperative corporations; to provide for the election of alternate directors and to provide in what capacity they shall serve; and to repeal the original sections.

LEGISLATIVE BILL 834. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1972, relating to infants; to increase the maximum monthly allowance payments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 835. By Schmit, 23rd District.

A BILL FOR AN ACT relating to taxation; to require a tax on containers of alcoholic liquors and soft drinks; to establish the Basic and Applied Science Research Fund; to establish the Basic and Applied Science Research Board; and to provide procedures.

LEGISLATIVE BILL 836. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 2-3220, Reissue Revised Statutes of Nebraska, 1943, and section 2-3223, Revised Statutes Supplement,

1973, relating to natural resources; to provide for monthly publication of expense statements; to provide for audits by a specified date; to provide procedures for insuring compliance; and to repeal the original sections.

LEGISLATIVE BILL 837. By Schmit, 23rd District.

A BILL FOR AN ACT relating to insurance; to provide that all companies selling health and accident insurance shall develop a loss ratio to premium dollar; to provide procedures; and to provide for revocation of authority to do business in this state.

LEGISLATIVE BILL 838. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the State Fire Marshal; to provide educational scholarships for the children of any member of a paid fire department who is killed in the performance of his duty.

LEGISLATIVE BILL 839. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the State Fire Marshal; to provide that a death benefit be paid to the beneficiary of any member of a paid fire department who is killed in the performance of his duty.

LEGISLATIVE BILL 840. By Johnson, 15th District.

A BILL FOR AN ACT to amend section 44-513, Revised Statutes Supplement, 1972, relating to insurance; to provide for insurance equality among practitioners of dentistry; and to repeal the original section.

LEGISLATIVE BILL 841. By Simpson, 46th District.

A BILL FOR AN ACT relating to the University of Nebraska; to provide a cost of living and wage level increase to reflect changes occurring subsequent to retirement; to equalize benefits; and to declare an emergency.

LEGISLATIVE BILL 842. By Simpson, 46th District.

A BILL FOR AN ACT relating to schools; to provide salary withholding procedures for employees of state educational institutions.

LEGISLATIVE BILL 843. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 79-1287, 79-1291, 79-1292, 79-1293, and 79-1294, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Teachers' Professional Negotiations Act; to

include all school districts; to require recognition; to provide procedures for negotiation and a fact-finding board; to provide appeal procedures; to eliminate rule-making powers; to eliminate discretion of the board of education or school board to meet with employee organizations; and to repeal the original sections, and also section 79-1290, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 844. By Fellman, 4th District.

A BILL FOR AN ACT relating to insurance; to provide that an insurer may publish financial statements as prescribed.

LEGISLATIVE BILL 845. By Fellman, 4th District.

A BILL FOR AN ACT relating to securities; to authorize banks, savings and loan associations and credit unions to legally invest any funds, including capital belonging to them or within their control, in bonds of the State of Israel.

LEGISLATIVE BILL 846. By Fellman, 4th District.

A BILL FOR AN ACT for submission to the electors of an amendment to article VIII of the Constitution of Nebraska, by adding thereto a new section 1C, relating to revenue; to prohibit a sales or use tax on food or food products intended for human consumption as prescribed; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 847. By Fellman, 4th District.

A BILL FOR AN ACT relating to schools; to establish a pupil transportation safety program as prescribed.

LEGISLATIVE BILL 848. By Snyder, 14th District.

A BILL FOR AN ACT to amend sections 44-133.02, 44-133.04, and 44-133.07, Revised Statutes Supplement, 1973, relating to insurance; to provide for exchange of shares of domestic insurance companies as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 849. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 79-1254, Reissue Revised Statutes of Nebraska, 1943, relating to teachers; to provide contract termination for just cause; to provide procedures; and to repeal the original section.

LEGISLATIVE BILL 850. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 39-7,128, Reissue Revised Statutes of Nebraska, 1943, relating to prevention and elimination of successive traffic violations; to amend the point system; and to repeal the original section.

LEGISLATIVE BILL 851. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 45-101 and 45-102, Reissue Revised Statutes of Nebraska, 1943, relating to interest; to provide exceptions to maximum interest rates; and to repeal the original sections.

EXPLANATION OF VOTE

Had I been present, I would have voted "No" on LR 19 to advance to E & R for Review.

(Signed) John J. Cavanaugh

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
793	Judiciary	817	Misc. Subjects
794	Cons. Rev & Rec.	818	Misc. Subjects
795	Public Works	819	Judiciary
796	Gov. Mil. & Vet Afrs	820	Revenue
797	Public Works	821	Public Works
798	Education	822	Public Works
799	Agric. & Env.	823	Gov. Mil. & Vet Afrs
800	Cons. Rev. & Rec.	824	Appropriations
801	Neb. Ret. Systems	825	Revenue
802	Agric. & Env.	826	Public Works
803	Bkg Comm. & Ins.	827	Public Works
804	Revenue	828	Judiciary
805	Public Works	829	Judiciary
806	Public Works	830	Agric & Env.
807	Bkg Comm. & Ins.	831	Revenue
808	Bkg Comm. & Ins.	832	Judiciary
809	Bkg Comm. & Ins.	833	Public Works
810	Education	834	Pub. Hlth & Wel.
811	Gov. Mil. & Vet Afrs	835	Misc. Subjects
812	Gov. Mil. & Vet Afrs	836	Public Works
813	Education	837	Bkg Comm. & Ins.
814	Judiciary	838	Education
815	Misc. Subjects	839	Bkg Comm. & Ins.
816	Pub. Hlth & Wel.	840	Bkg Comm. & Ins.

(Signed) Terry Carpenter, Chairman

VISITORS

President Marsh introduced 50 students and their teachers, Mesdames Kaziol, Jones and Nelson and Mr. Miller, from Saratoga School, Lincoln, Nebraska.

President Marsh introduced 21 students and their teacher Mrs. Bunge, from Clare McPhee School, Lincoln, Nebraska.

ADJOURNMENT

At 12:14 p.m., on a motion by Speaker Proud, the Legislature adjourned until 9:00 a.m., Tuesday, January 15, 1974.

Vincent D. Brown
Clerk of the Legislature

TENTH DAY—JANUARY 15, 1974

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 15, 1974

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor of Westminster Presbyterian Church.

O God our Father, we thank Thee for the rest of the night and the promise of this new day.

May our faith have hands and feet, a voice and a heart, so that it may minister to others by the work we do and the attitudes we express.

Bless all in our Communities and State who are dedicated to a ministry of blessing others. Bless every humble soul who in these days of stress preaches a sermon without words.

Call your servants to a fresh challenge of the legislative tasks before them; give them wisdom in their performance, so that at the end of the day, they may feel the spirit of a well done; In the spirit of Jesus Christ we pray, Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Fowler and Warner who were absent until 9:15 a.m., Mr. Proud who was excused and Mr. Kime who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 229, line 19, correct spelling of "constitution".

Page 235, line 14, correct spelling of "Revised".

The Journal for the Ninth Day was approved as corrected.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 852. By Kremer, 34th District.

A BILL FOR AN ACT to amend sections 79-2101, 79-2619, and 81-1316, Reissue Revised Statutes of Nebraska, 1943, and section 79-2603, Revised Statutes Supplement, 1973, relating to technical community colleges; to provide area boards with additional powers as prescribed; to exempt technical community colleges from the state personnel system; to change that territory within the Western Technical Community College Area; to provide that a representative of the technical community colleges be a member on the Nebraska Educational Television Commission; to create a cash fund; and to repeal the original sections.

LEGISLATIVE BILL 853. By Kremer, 34th District.

A BILL FOR AN ACT relating to technical community colleges; to provide area boards with additional powers as prescribed.

LEGISLATIVE BILL 854. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 71-3305, Revised Statutes Supplement, 1973, relating to flouridation; to eliminate the requirement that the prohibition be by ordinance; and to repeal the original section.

LEGISLATIVE BILL 855. By Richendifer, 16th District.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to authorize the acquisition of certain real and personal property and the construction and operation of a John G. Neihardt Center; and to make an appropriation.

LEGISLATIVE BILL 856. By Richendifer, 16th District.

A BILL FOR AN ACT relating to schools; to provide that a county board may declare an emergency; to amend section 79-311, Revised Statutes Supplement, 1973; to provide a two-year term for county superintendents; and to repeal the original section.

LEGISLATIVE BILL 857. By Waldron, 42nd District.

A BILL FOR AN ACT to amend section 79-1254.02, Revised Statutes Supplement, 1973, relating to schools; to include administrative staff contracts; to exclude employment contracts of public school districts; to provide procedures; and to repeal the original section.

LEGISLATIVE BILL 858. By Waldron, 42nd District.

A BILL FOR AN ACT to amend section 81-217.21, Revised Statutes Supplement, 1972, relating to the Nebraska Food Act; to provide a

labeling requirement; and to repeal the original section.

LEGISLATIVE BILL 859. By Kennedy, 21st District.

A BILL FOR AN ACT to amend sections 68-701 and 68-704, Reissue Revised Statutes of Nebraska, 1943, relating to public welfare; to change the name of the Department of Public Welfare to the Department of Human Services; to harmonize other names; to provide duties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 860. By Marsh, 29th District.

A BILL FOR AN ACT relating to hotels and inns; to provide for the transfer of powers, duties, and functions from the Department of Agriculture to the Department of Health with respect to the registration and inspection of hotels; to provide duties for the Revisor of Statutes; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 861. By Marsh, 29th District.

A BILL FOR AN ACT relating to public records; to redesignate the Records Management Act as the Public Records Act; to create the Department of Public Records as prescribed; to provide for transfer; to provide duties; to provide penalties; to amend sections 84-1201 to 84-1204, 84-1206 to 84-1212, 84-1214, 84-1214.01, and 84-1215 to 84-1220, Reissue Revised Statutes of Nebraska, 1943, and sections 84-1213 and 84-1213.01, Revised Statutes Supplement, 1973; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 862. By Stromer, 36th District.

A BILL FOR AN ACT to amend section 25-1206, Reissue Revised Statutes of Nebraska, 1943, relating to evidence; to provide that no certified school counselor shall disclose any confidential communication; and to repeal the original section.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 7. With emergency.

A BILL FOR AN ACT to amend section 11-119, Revised Statutes Supplement, 1973, relating to bonds of public officials; to provide the minimum bond of a county clerk having the duties of other offices; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Fowler	Kime	Proud	Richendifer	Warner
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 217.

A BILL FOR AN ACT to amend section 79-1003, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for election of members of the board of education of a Class V school district from districts; and to repeal the original section.

Whereupon the President states: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Anderson	Barnett	Carpenter	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Duis	Fellman
Kelly	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Nore	Rasmussen
Schmit	Simpson	Skarda	Waldron	Whitney

Voting in the negative, 11:

Burbach	Dickinson	Epke	Goodrich	F. Lewis
Moylan	Murphy	Savage	Snyder	Stromer
Syas				

Not voting, 13:

C. Carsten	Fowler	Hasebroock	Johnson	Kennedy
Keyes	Kime	Proud	Richendifer	Stahmer
Stull	Warner	Wiltse		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 389.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, sections 10 and 14, of the Constitution of Nebraska, relating to the Legislature; to remove the Lieutenant Governor as presiding officer and remove his right to vote in case of ties therein; to provide for presiding officers; to provide for the submission of the proposed amendment to the electors at the primary election in May, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the primary election in May, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 10 and 14, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. Beginning with the year 1971, regular sessions of the Legislature shall be held annually, commencing at 12:00 o'clock (noon) on the first Tuesday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker and such other presiding officer as it may determine. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The

Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Sec. 14. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. The Speaker or other designated presiding officer shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to remove the Lieutenant Governor as presiding officer of the Legislature and remove his right to vote in case of ties therein; and to provide for presiding officers.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Rasmussen	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Kime Proud Richendifer

A constitutional four-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 567.

A BILL FOR AN ACT to amend section 28-506, Reissue Revised Statutes of Nebraska, 1943, and section 28-512, Revised Statutes Supplement, 1972, relating to crimes and punishments; to redefine grand larceny and petit larceny; to provide for judgments for restitution; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Barnett	Burbach	Carpenter	C. Carsten	Cavanaugh
Chambers	Epke	Fellman	Fowler	Goodrich
Johnson	Keyes	Kremer	F. Lewis	Luedtke
Mahoney	Marsh	Moylan	Rasmussen	Richendifer
Schmit	Simpson	Skarda	Stahmer	Stull
Warner				

Voting in the negative, 19:

Anderson	F. Carstens	Clark	DeCamp	Duis
Hasebroock	Kelly	Kennedy	R. Lewis	Maresh
Marvel	Murphy	Nore	Savage	Snyder
Stromer	Syas	Waldron	Whitney	

Not voting, 4:

Dickinson Kime Proud Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 863. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 79-488.07, Reissue Revised Statutes of Nebraska, 1943, and sections 39-657, 39-660, and 79-488.06, Revised Statutes Supplement, 1973, relating to school transportation vehicles; to change provisions relating to school buses; to provide an operator's permit fee; to create a fund; to provide duties of operators of school transportation vehicles; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 864. By Anderson, 37th District.

A BILL FOR AN ACT relating to elections; to provide for keeping voter registration records as current as possible in counties having a population of fifty thousand inhabitants or less.

LEGISLATIVE BILL 865. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 37-104, Revised Statutes Supplement, 1972, relating to game and fish; to provide for establishing and administering a mandatory hunter safety training program for persons under the age of sixteen years; to provide lawful hunting by persons under sixteen years as prescribed; and to repeal the original section.

LEGISLATIVE BILL 866. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 43-704, Reissue Revised Statutes of Nebraska, 1943, relating to placing of children; to provide for removal of any child brought into the state who within one year becomes a public charge as prescribed; and to repeal the original section.

LEGISLATIVE BILL 867. By Anderson, 37th District.

A BILL FOR AN ACT relating to children born out of wedlock; to provide for relinquishments or consents as prescribed.

LEGISLATIVE BILL 868. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District, Carpenter 48th District; Stull, 49th District; Fellmen, 4th District.

A BILL FOR AN ACT to amend section 81-103, Reissue Revised Statutes of Nebraska, 1943, relating to department salaries; to establish salaries for

the Directors of the Departments of Insurance and Banking, and the Commissioner of Labor; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 869. By Keyes, 3rd District.

A BILL FOR AN ACT to adopt the School District Tax Relief Fund Act; to amend sections 77-2702, 77-2703, 77-2705, and 77-2708, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 870. By F. Lewis, 45th District.

A BILL FOR AN ACT to adopt the State Electrical Act; and to repeal sections 81-553 to 81-570, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 871. By Maresh, 32nd District.

A BILL FOR AN ACT relating to highways; to provide that certain freeway interchanges shall provide access to roadways which are part of the state highway system.

LEGISLATIVE BILL 872. By Fowler, 27th District.

A BILL FOR AN ACT relating to state employees; to provide minimum salary requirements.

LEGISLATIVE BILL 873. At Request of the Governor, By Public Works Committee: Kremer, 34th District, Chairman; Wiltse, 1st District; Goodrich, 20th District; Hasebroock, 18th District; R. Lewis, 38th District; Moylan, 6th District; Warner, 25th District.

A BILL FOR AN ACT to amend sections 39-662 and 39-666, Revised Statutes Supplement, 1973, relating to rules of the road; to decrease certain maximum speed limits in compliance with the Emergency Highway Energy Conservation Act; to provide for termination of such decreases; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 874. By Public Health & Welfare Committee: Kennedy, 21st District, Chairman; Maresh, 32nd District; R. Lewis, 38th District; Goodrich, 20th District; F. Lewis, 45th District; Schmit, 23rd District; Cavanaugh, 9th District.

A BILL FOR AN ACT relating to insurance; to adopt the Model Health Maintenance Organization Act.

SELECT FILE

LEGISLATIVE BILL 593. E & R amendments found in the Journal on page 232 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE RESOLUTION 8. E & R amendment found in the Journal on page 232 for the Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 377. E & R amendments found in the Journal on page 232 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 432. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 565. E & R amendments found in the Journal on page 232 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 490. E & R amendments found in the Journal on page 232 for the Ninth Day were adopted.

Laid over at the request of Mr. R. Lewis.

MOTIONS—Return to Select File

Mr. Kennedy renewed his pending motion found in the Journal on page 220 for the Eighth Day to return LB 513 to Select File for specific amendment.

Laid over at request of Mr. Kennedy.

Mr. Carpenter moved to return LB 590 to Select File for the following specific amendment:

1. On page 3, line 16, after “ordinance” insert “or of section 39-669”.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 590. The Carpenter specific amendment found in this days' Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 7 and LB 217.

(Signed) Jerome Warner

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 612	Tuesday, January 22, 1974	2:00 p.m.
LB 729	Tuesday, January 22, 1974	2:00 p.m.
LB 730	Tuesday, January 22, 1974	2:00 p.m.
LB 751	Tuesday, January 22, 1974	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

MOTION—Attorney General Request

Mr. Duis moved that the Attorney General be requested to file, as soon as possible, an original act in the Supreme Court to determine the validity, under the Constitution of Nebraska and the United States, of the amendment to the Constitution of Nebraska, Article IV, section 1, inserting this sentence:

"In the general election one vote shall be cast jointly for the Governor and Lieutenant Governor nominated by the same party".

The motion prevailed with 37 ayes, 0 nays and 12 not voting.

UNANIMOUS CONSENT—Withdraw Motion

Mr. Carpenter asked unanimous consent to withdraw his pending motion found in the Journal on page 241 for the Ninth Day on the Attorney General Request. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 66. Title read. Considered.

Mr. Barnett offered the following amendments which were adopted:

1. On page 2 line 6 after "report" insert "by the coroner".
2. On page 2 line 8 strike "killed in a" and insert "who dies within four hours after being in a"; line 13 strike "make such tests" and insert "cause such tests to be made"; and line 23 insert after "shall" the words "be requested".
3. On page 3 line 7 strike "deceased" and insert "surviving drivers or surviving pedestrians".
4. On page 3 strike lines 12 to 16 and insert: "All samples of body fluids taken under the provisions of this act shall be submitted to and performed by an individual possessing a valid permit issued by the Department of Health for such purpose. Such tests are to be performed according to methods approved by the Department of Health. Such individual shall promptly perform such analysis and report the results thereof to the official submitting the sample."
5. On page 3 add two new sections to be know as sections 6 and 7 and to read as follows:
 - 1 "Sec. 6. No report or any statement contained therein submitted
 - 2 pursuant to this act or any part thereof shall be made available for
 - 3 any purpose in any trial arising out of the accident involved, unless
 - 4 necessary solely to prove compliance with this act.
 - 1 Sec. 7. The Department of Motor Vehicles shall reimburse any
 - 2 county for expenses and costs incurred by the county pursuant to this
 - 3 act. The Department of Motor Vehicles will provide the official in
 - 4 each county with the appropriate reporting form."

Mr. Barnett moved a Call of the House on advancing LB 66. The motion prevailed with 21 ayes, 6 nays and 22 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 28 ayes, 9 nays and 12 not voting.

LEGISLATIVE BILL 359. Title read. Considered.

Standing Committee amendments found in the Journal on page 766 for the Forty-sixth day (First Session) were adopted.

Advanced to E & R for Review with 25 ayes, 3 nays and 21 not voting.

UNANIMOUS CONSENT—Bracket LB 323

Mr. Marvel asked unanimous consent to bracket LB 323 on General File for January 24, 1974 and print the following amendment in the Journal. No objections. So ordered.

1. On page 2 strike lines 6 to 23 and insert the following:
 " "Sec. 10. The general government of the University of Nebraska shall, under the direction of the Legislature, be vested

in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as non-voting members. Such non-voting student members shall consist of the student body president of the University of Nebraska-Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. ~~Their~~ The terms of office of elected members shall be for six years each. The terms of office of student members shall be for that period such student serves in the capacity as student body president of such campus. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.”.

GENERAL FILE

LEGISLATIVE BILL 396. Considered.

Mr. Carpenter asked unanimous consent to withdraw his pending amendments found in the Journal on page 223 for the Eighth Day. No objections. So ordered.

Mr. Carpenter offered the following amendments which were adopted:

1. On page 3, line 25 after “(12)” strike the rest of the line and lines 26 and 27; page 4 line 1 strike “state” and show as stricken.
2. Page 3, line 25, after “more;” insert “of maturities not longer than one hundred twenty days”.
3. On page 4, line 4, strike after “(a)” lines 4 to 7 and in line 8 strike “eight years” and show as stricken and insert “not more than twenty-five million dollars shall be invested in common stocks at any one time; Provided, that funds invested with a primary carrier shall not be subject to this limitation”.
4. After section 2 of the Mahoney amendment insert:
 “Sec. 3. That section 81-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
 81-103. The Governor shall have authority to establish the salaries of all persons connected with the various departments including the heads thereof; Provided, that the state investment officer shall receive a minimum annual salary of twenty-five thousand dollars.”
5. Renumber original section 3 as section 4.
6. On page 4 line 18 strike “72-1246 and 72-1256” and insert “72-1246, 72-1256, and 81-103”.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

MESSAGE FROM THE GOVERNOR

January 15, 1974

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

Please excuse the informality of this communication because time is of considerable essence.

This is the last day for any decision on LB 280, and unless your body wishes to take some corrective action, I will sign the measure into law today.

I wish to emphasize that I do not object to the intent of this bill. I wholeheartedly support the concept of better accountability and the formation of the audit oversight committee in the Legislature. The ability of the Legislature to examine and evaluate on-going programs and policies, to hold public officials accountable for their performance in the discharge of their responsibilities, and to provide oversight on the departments and agencies of the state is vital to the proper functioning of government.

It is my understanding that of the fifty state legislatures, some thirty-seven to date have established an audit and program evaluation staff as directly accountable to themselves instead of to an auditor in the executive branch as in LB 280. This has been accomplished without transgressing on the traditional post-audit functions of the State Auditor's Office. The question, then, is where does the responsibility for performance auditing as opposed to customary auditing really belong?

In the Congress, under the Congressional created arm of that body, we see the General Accounting Office operating efficiently. The same is true in 37 other states' legislatures as mentioned.

Last session, we engaged in debates over LB 452 which I felt was an improper invasion of the Legislature into the Executive Department. LB 280, I suggest, is the opposite since I suggest the Legislature may be delegating a function that is generally reserved exclusively to the Legislative Branch. This is an important part of our checks and balances system.

I wanted to give you the courtesy of calling this to your attention before I sign the bill.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

ANNOUNCEMENT

Mr. Carpenter announced the Executive Board will meet today at 1:00 p.m. No objections. So ordered.

UNANIMOUS CONSENT—Add Co-introducer

Mr. Dickinson asked unanimous consent to add the name of E. Thome Johnson to LB 821. No objections. So ordered.

MOTION—Return LB 438 to Select File

Mr. Carpenter moved to return LB 438 to Select File for the following specific amendment.

1. In section 1, line 28, after “charges” insert: “and contract carriers of such products shall not be required to maintain contracts on file with the commission.”

2. Strike the new language at lines 12 through 24 and at the end of line 42 insert: “After the issuance of a certificate or permit the commission shall review the annual reports of all common or contract carriers filed with the commission to determine if there are insufficient operations in the transportation of regulated commodities to justify the commission’s finding that such common or contract carrier has willfully failed to perform transportation under the provisions of the Motor Carrier Act and rules and regulations promulgated thereunder. If the commission determines that there is such insufficiency of operations, then the commission shall commence proceedings under the provisions of section 75-315 to revoke the certificate or permit involved.”

Explanation of Amendments to L.B. 438.

Presently, the bill eliminates the regulation of rates for the transportation of certain bank related documents and the amendment merely eliminates the requirement that contract carriers maintain contracts of rates with the commission.

The second paragraph would make the annual financial reports filed by the commission as one of the determining factors to determine if a commission certificate or permit is dormant.

Motion pending.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 774	Wednesday, January 23, 1974	2:00 p.m.
LB 722	Monday, January 28, 1974	2:00 p.m.
LB 723	Monday, January 28, 1974	2:00 p.m.
LB 731	Monday, January 28, 1974	2:00 p.m.
LB 732	Monday, January 28, 1974	2:00 p.m.
LB 733	Tuesday, January 29, 1974	2:00 p.m.
LB 734	Tuesday, January 29, 1974	2:00 p.m.
LB 735	Tuesday, January 29, 1974	2:00 p.m.
LB 736	Tuesday, January 29, 1974	2:00 p.m.
LB 737	Tuesday, January 29, 1974	2:00 p.m.
LB 738	Tuesday, January 29, 1974	2:00 p.m.
LB 739	Tuesday, January 29, 1974	2:00 p.m.
LB 740	Tuesday, January 29, 1974	2:00 p.m.
LB 742	Wednesday, January 30, 1974	2:00 p.m.
LB 743	Wednesday, January 30, 1974	2:00 p.m.
LB 744	Wednesday, January 30, 1974	2:00 p.m.
LB 745	Wednesday, January 30, 1974	2:00 p.m.
LB 746	Wednesday, January 30, 1974	2:00 p.m.
LB 747	Wednesday, January 30, 1974	2:00 p.m.
LB 748	Wednesday, January 30, 1974	2:00 p.m.
LB 741	Monday, February 4, 1974	2:00 p.m.
LB 750	Monday, February 4, 1974	2:00 p.m.
LB 755	Monday, February 4, 1974	2:00 p.m.
LB 782	Tuesday, February 5, 1974	2:00 p.m.
LB 785	Tuesday, February 5, 1974	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

Labor

LB 665	Wednesday, January 23, 1974	2:00 p.m.
LB 688	Wednesday, January 23, 1974	2:00 p.m.
LB 715	Wednesday, January 23, 1974	2:00 p.m.

(Signed) Richard Maresh, Chairman

Constitutional Revision & Recreation

LB 765	Friday, January 25, 1974	2:00 p.m.
LB 766	Friday, January 25, 1974	2:00 p.m.
LB 767	Friday, January 25, 1974	2:00 p.m.

LB 779	Thursday, January 31, 1974	2:00 p.m.
LB 794	Thursday, January 31, 1974	2:00 p.m.
LB 718	Thursday, January 31, 1974	2:00 p.m.

(Signed) George Syas, Chairman

Education

LB 719	Monday, January 21, 1974	2:00 p.m.
LB 772	Tuesday, January 22, 1974	2:00 p.m.

(Signed) Jerome Warner, Chairman

Public Health and Welfare

LB 727	Monday, January 21, 1974	2:00 p.m.
LB 778	Monday, January 21, 1974	2:00 p.m.
LB 693	Monday, January 28, 1974	2:00 p.m.
LB 834	Monday, January 28, 1974	2:00 p.m.

(Signed) Thomas Kennedy, Chairman

MOTION—Return LB 17 to Select File

Mr. Burbach moved to return LB 17 to Select File for the following specific amendments:

1. Strike the Burbach specific amendment of Sec. 1 (1) found on page 172 of the Journal for the fifth day.
2. Strike the comma on page 2, line 8, of the final reading bill and insert a period therefor.
3. Strike all matter on page 2, line 9, 10 and 11 of the final reading bill.
4. Insert in the final reading bill on page 4, line 24, after "state.", the words "Notwithstanding any other provision of this act, all weighing and measuring devices used by public utilities and those weighing and measuring devices inspected or tested by the Nebraska Public Service Commission shall be exempt from the registration, inspection and testing requirements of this act; Provided, any

such exempt weighing and measuring device may be inspected or tested by the director upon request of the person owning such device."

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 17.

The Burbach specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 103.

Introduced by Labor Committee: Maresh, 32nd District, Chairman; Kime, 43rd District; Kelly, 35th District; Cavanaugh, 9th District; Dickinson, 31st District; Kennedy, 21st District; F. Carstens, 30th District.

WHEREAS, the National Commission on State Workmen's Compensation Laws in July 1972 submitted to Congress its report and made certain recommendations as to minimum standards for state workmen's compensation laws and recommendations as to their implementation, including an express recommendation against federal administration being substituted for state programs, and that the states be given a reasonable time in which to comply with the recommended standards; and

WHEREAS, Nebraska and the other states, both before and subsequent to the promulgation of this report have made and continue to make improvements in their workmen's compensation systems, approaching the standards recommended by the commission; and

WHEREAS, Senate Bill S. 2008 was filed on June 18, 1973, by its proponents, Senators Javits and Williams, in the Senate of the United States, and an identical bill, H.R. 8771 was filed in the House of Representatives by Congressmen Perkins and Daniel; and

WHEREAS, S. 2008 and H.R. 8771 go beyond the recommendations of the commission with regard to workmen's compensation benefits recommended, but more importantly propose acceleration of compliance by the states, failing which there would be in effect a federal takeover of the administration of workmen's compensation in non-complying states, and further providing that the United States Secretary of Labor would become the virtual dictator of all state workmen's compensation plans and administration; and

WHEREAS, this Legislature strongly believes, with the commission, that the administration of workmen's compensation laws can far better be handled by the several states than by a federal administration for the benefit of injured workmen involved as well as the public at large, and that further federal encroachment in this field would be to a serious detriment to all workmen's compensation acts in this country to all persons affected thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That the Legislature urge, that all necessary effort be given to the defeat of S. 2008 and H.R. 8771, or of any similar proposed legislation, so that the workmen's compensation systems of the several states may be preserved.

2. That all states be encouraged to continue to improve their workmen's compensation systems.

3. That the Clerk of the Legislature send a copy of this resolution to each United States Senator and Member of the House of Representatives from Nebraska and to both houses of each of the other states of the United States.

MOTION--Return LB 280 to Legislature

Mr. Mahoney moved to request the Governor to return LB 280 to the Legislature for further consideration. The motion lost with 20 ayes, 21 nays and 8 not voting.

ANNOUNCEMENT

Mr. Duis announced the Rules Committee meeting scheduled for this afternoon has been cancelled.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 610. Placed on General File.

LEGISLATIVE BILL 680. Placed on General File.

LEGISLATIVE BILL 695. Placed on General File as amended.

Standing Committee amendment to LB 695:

On page 2, line 23, after "life" insert ", sickness".

(Signed) Fred W. Carstens, Chairman

LEGISLATIVE RESOLUTION 104.

Introduced by Warner, 25th District.

WHEREAS, all citizens of the State of Nebraska are concerned with the preservation, protection, and enhancement of the State Capitol Building and its environs; and

WHEREAS, the structure is internationally recognized as one of the architectural masterpieces of the 1920's and is the focal point of community pride and is the symbol of the State of Nebraska; and

WHEREAS, the land utilization pattern in the City of Lincoln surrounding the Capitol Building has been ever-changing during the past forty years; and

WHEREAS, the quality of the Capitol environs now suffers from the encroachment of surface car parking lots, commercial establishments, high-rise apartments and office structures; and

WHEREAS, insufficient plans and planning controls now exist for the transitional zone in which the Capitol Building is located, between the central business district and adjacent residential area; and

WHEREAS, the Community Research and Design Center of the College of Architecture, University of Nebraska-Lincoln intends to request funds from the National Endowment of the Arts to finance a one-year study of the City Options for the Preservation and Enhancement of the State Capitol Building Environs, Lincoln, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the State of Nebraska supports the proposed study and intends that concerned governmental agencies will participate with the university study-team by the supply of resource materials, and by reviewing and coordinating joint interests with the team as work progresses.

2. That the results of the study be reported to the Legislature.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 875. By Urban Affairs Committee: Snyder, 14th District, Chairman; F. Lewis, 45th District; Syas, 13th District; Fowler, 27th District; Waldron, 42nd District.

A BILL FOR AN ACT to amend section 39-2402, Revised Statutes Supplement, 1972, relating to the Highway Allocation Fund; to permit municipalities to use a portion of such fund for mass transit purposes; and to repeal the original section.

LEGISLATIVE BILL 876. By Warner, 25th District.

A BILL FOR AN ACT to amend section 60-320.01, Revised Statutes Supplement, 1973, relating to motor vehicle registration; to provide for the operation of motor vehicles purchased from other than a licensed dealer until new registration is obtained; and to repeal the original section.

LEGISLATIVE BILL 877. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 32-1134, 32-1135, and 32-1149, Revised Statutes Supplement, 1973, relating to elections; to redefine terms; to provide conditions for contributions by political committees and corporations; and to repeal the original sections.

LEGISLATIVE BILL 878. By Whitney, 44th District.

A BILL FOR AN ACT to amend section 70-301, Revised Statutes Supplement, 1973, relating to right-of-way for pole lines; to change conditions for right-of-way; and to repeal the original section.

LEGISLATIVE BILL 879. By Urban Affairs Committee: Snyder, 14th District, Chairman; F. Lewis, 45th District; Syas, 13th District; Fowler, 27th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 39-2402, Revised Statutes Supplement, 1972, relating to the Highway Allocation Fund; to provide for five per cent distribution to municipalities for mass transit purposes; and to repeal the original section.

LEGISLATIVE BILL 880. By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 60-1401.02, 60-1403.01, 60-1406, 60-1407.03, 60-1407.06, 60-1411.01, 60-1411.02, 60-1411.03, 60-1415, 60-1416, 60-1417, and 60-1419, Revised Statutes Supplement, 1972, relating to motor vehicles; to redefine terms; to provide that no minor shall be eligible for any license; to permit specified sales other than at the established place of business; to change fees; to grant power to deny any application for license or to revoke or suspend any license for employment of an unlicensed salesman; to change provisions for unauthorized acts; to change the penalty for acting as dealer without a license; to provide for showing whether a sale is pursuant to a warranty; to provide the time to keep copies of instruments; to increase the penal provision of bonds; to require the taking of title when selling on consignment except as prescribed; to provide procedures; and to repeal the original sections.

LEGISLATIVE BILL 881. By Labor Committee: Maresh, 32nd District, Chairman; Kelly, 35th District; Kime, 43rd District; Dickinson, 31st District; Kennedy, 21st District; F. Carstens, 30th District.

A BILL FOR AN ACT to amend section 48-128, Revised Statutes Supplement, 1972, relating to workmen's compensation; to clarify provisions respecting the Second Injury Fund; and to repeal the original section.

LEGISLATIVE BILL 882. By Labor Committee: Maresh, 32nd District, Chairman; Kelly, 35th District; Kime, 43rd District; F. Carstens, 30th District; Cavanaugh, 9th District; Dickinson, 31st District; Kennedy, 21st District.

A BILL FOR AN ACT to amend section 48-122.03, Revised Statutes Supplement, 1973, relating to workmen's compensation; to provide for apportionment of compensation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 883. By Waldron, 42nd District.

A BILL FOR AN ACT relating to elections; to amend sections 17-107.01, 17-203.01, 19-434, 32-505, 32-506, and 79-2203, Reissue Revised Statutes of Nebraska, 1943, sections 32-504.02, 79-516.07, and 79-701, Revised Statutes Supplement, 1972, and sections 16-302.01, 23-343.25, 32-4,147, 32-530, and 79-426.19, Revised Statutes Supplement, 1973; to provide a September primary election; to provide for voting the ballot of either political party; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 884. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Dickinson, 31st District; Kennedy, 21st District; Maresh, 32nd District; Rasmussen, 41st District; Kime, 43rd District; Epke, 24th District; C. Carsten, 2nd District.

A BILL FOR AN ACT relating to natural resources; to amend section 2-3213, Revised Statutes Supplement, 1973; to provide an exemption; to merge certain natural resources districts; and to repeal the original section.

LEGISLATIVE BILL 885. By Skarda, 7th District.

A BILL FOR AN ACT to amend section 79-449, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the procedure for expulsion or suspension of a pupil; and to repeal the original section.

LEGISLATIVE BILL 886. By Skarda, 7th District.

A BILL FOR AN ACT to amend section 60-2301, Revised Statutes

Supplement, 1972, relating to odometers; to exempt gross vehicle rated motor vehicles exceeding sixteen thousand pounds; and to repeal the original sections.

LEGISLATIVE BILL 887. By Kremer, 34th District.

A BILL FOR AN ACT to amend sections 2-1506.02, 2-1506.03, and 2-1506.13, Reissue Revised Statutes of Nebraska, 1943, relating to agriculture; to define terms; to change the procedure for flood plain establishment; and to repeal the original sections.

LEGISLATIVE BILL 888. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Dickinson, 31st District; Maresh, 32nd District; Epke, 24th District; Kime, 43rd District; Rasmussen, 41st District; C. Carsten, 2nd District; Kennedy, 21st District.

A BILL FOR AN ACT relating to the Department of Agriculture; to provide for duties and responsibilities of the Department of Agriculture in providing aid and assistance in the marketing of agricultural products and in the collection and dissemination of market news information.

LEGISLATIVE BILL 889. By Marvel, 33rd District.

A BILL FOR AN ACT to amend section 81-1117, Reissue Revised Statutes of Nebraska, 1943, sections 81-161.04 and 81-1010, Revised Statutes Supplement, 1972, and section 81-1120.08, Revised Statutes Supplement, 1973, relating to the Department of Administrative Services; to provide that services and operations rendered by the Department of Administrative Services be financed with appropriations made by the Legislature; to credit charges made by such department to the General Fund; to repeal the original sections, and also section 81-912, Reissue Revised Statutes of Nebraska, 1943, and section 81-1120.09, Revised Statutes Supplement, 1973.

LEGISLATIVE BILL 890. By Whitney, 44th District.

A BILL FOR AN ACT to amend section 81-1328, Revised Statutes Supplement, 1973, relating to the State Personnel System; to redefine terms; to provide that employees who have retired or voluntarily terminated in lieu of retirement shall be considered a new employee if they return for the purpose of vacation leave entitlement; and to repeal the original section.

LEGISLATIVE BILL 891. By Whitney, 44th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article IV of the Constitution of Nebraska by adding a new section 29,

relating to the executive; to provide for a Department of Personnel; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 892. By Telecommunications Committee: Clark, 47th District, Chairman; Duis, 39th District; Goodrich, 20th District; Snyder, 14th District; Duis, 39th District; Goodrich, 20th District; Snyder, 14th District; Skarda, 7th District; Marvel, 33rd District; Waldron, 42nd District; Warner, 25th District.

A BILL FOR AN ACT to amend sections 23-1715, 81-1108.02, 81-1120.01, 81-1120.02, 81-1120.03, 81-1120.04, 81-1120.05, 81-1120.06, 81-1120.07, 81-1120.10, 81-1120.11, 81-1120.12, 81-1120.13, 81-1120.14, and 81-1423, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1120.08 and 81-1120.09, Revised Statutes Supplement, 1973, relating to administrative departments; to create the Division of Communications and a director thereof as prescribed; to provide duties; to create the State Communications Advisory Board; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 893. By Public Works Committee: Kremer, 34th District, Chairman; Wiltse, 1st District; Moylan, 6th District; Hasebroock, 18th District; Stromer, 36th District; R. Lewis, 38th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 39-1501, Reissue Revised Statutes of Nebraska, 1943, relating to highways and bridges; to provide for maintenance and construction of roads in unincorporated areas as prescribed; and to repeal the original section.

LEGISLATIVE BILL 894. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 72-232, 72-234, 72-240.07, 72-242, and 79-1302, Reissue Revised Statutes of Nebraska, 1943, relating to school lands and funds; to provide for a rental basis; to provide an interest rate; to provide for improvements; to provide for commercial advertising; to provide for distribution of funds; to provide an expenditure limit; to provide procedures for lease relinquishment; to provide for an annual report and approval of future projects; and to repeal the original sections.

LEGISLATIVE BILL 895. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 53-168.02, Revised Statutes Supplement, 1972, relating to alcoholic liquor; to provide that each retail

licensee be charged a similar price for alcoholic liquor as prescribed; and to repeal the original section.

LEGISLATIVE BILL 896. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 44-1623, 44-1624, and 44-1625, Revised Statutes Supplement, 1973, relating to the Nebraska state insurance program; to provide for additional life insurance coverage and life insurance for spouses and children at state expense; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 897. By Mareš, 32nd District.

A BILL FOR AN ACT to amend sections 17-204, 32-232, 32-430.01, and 32-1001.37, Reissue Revised Statutes of Nebraska, 1943, section 32-425, Revised Statutes Supplement, 1972, and sections 32-4, 101, 32-503.01, and 79-428, Revised Statutes Supplement, 1973, relating to elections; to change the date of meetings of the board of trustees of villages; to change use of ballots; to eliminate the restriction on the number of times name of candidate shall appear on ballots at any one election; to provide for the Secretary of State to remove names of candidates for Governor and Lieutenant Governor upon death of one or both; to provide for separate abstract of votes upon request; to remove the provision that if a candidate holding an elective office shall be a candidate for and elected to another office the office to which first elected shall become vacated; to change the name of State Railway Commission to Public Service Commission; to provide for elections in certain school districts; to clarify challenging a voter in school elections; to provide for charges and payment of elections in Class III school districts; and to repeal the original sections, and also sections 19-622 and 32-427, Reissue Revised Statutes of Nebraska, 1943, and sections 32-314 and 32-428, Revised Statutes Supplement, 1973.

LEGISLATIVE BILL 898. By Labor Committee: Mareš, 32nd District, Chairman; Dickinson, 31st District; Kime, 43rd District; F. Carstens, 30th District; Kelly, 35th District; Cavanaugh, 9th District; Kennedy, 21st District.

A BILL FOR AN ACT to amend section 48-115, Revised Statutes Supplement, 1973, relating to labor; to provide when an executive officer shall not be considered an employee of a corporation; and to repeal the original section.

LEGISLATIVE BILL 899. By Stahmer, 8th District.

A BILL FOR AN ACT to amend section 79-803, Revised Statutes Supplement, 1973, and section 79-803.03, Revised Statutes Supplement, 1972, relating to schools; to provide for election of members of the board

of education of Class III school district from districts; to provide that a Class III school district may have more than six members; to provide for the manner of electing members; to provide for redistricting; and to repeal the original sections.

LEGISLATIVE BILL 900. By Syas, 13th District.

A BILL FOR AN ACT to amend section 79-1103, Revised Statutes Supplement, 1973, relating to schools; to provide for election of members of the board of education of a Class VI school district from districts; to provide for an increase in the number of board members; to provide for the manner of electing members; to provide for redistricting; and to repeal the original section.

LEGISLATIVE BILL 901. By Snyder, 14th District.

A BILL FOR AN ACT to amend section 79-902, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for election of members of the board of education of a Class IV school district from districts; to provide that a Class IV district board may have more than six members; to provide for the manner of electing members; to provide for redistricting; and to repeal the original sections.

LEGISLATIVE BILL 902. By Savage, 10th District.

A BILL FOR AN ACT to amend section 79-701, Revised Statutes Supplement, 1972, relating to schools; to provide for election of members of school board of Class II school district from districts; to provide for increase in board members; to provide for manner of electing members; to provide for redistricting; and to repeal the original section.

LEGISLATIVE BILL 903. By Cavanaugh, 9th District.

A BILL FOR AN ACT relating to the Department of Public Institutions; to create an advisory board to aid in providing services for the visually impaired as prescribed; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 904. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 76-239.01 and 76-239.02, Reissue Revised Statutes of Nebraska, 1943, relating to real property; to place duties on the lenders as prescribed; to require contractors to keep separate accounts and prorate payments; and to repeal the original sections.

LEGISLATIVE BILL 905. By Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; Hasebroock, 18th District; Goodrich, 20th District; F. Lewis, 45th District; Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 23-2309, 79-1532, and 84-1310, Reissue Revised Statutes of Nebraska, 1943, sections 24-706 and 60-458, Revised Statutes Supplement, 1972, and sections 23-2301, 24-701, 24-707, and 84-1301, Revised Statutes Supplement, 1973, relating to retirement; to define terms; to change the manner the employee account shall be computed; to change the amount returned when service is terminated prior to retirement or in the event of death; and to repeal the original sections.

LEGISLATIVE BILL 906. By Revenue Committee: Burbach, 19th District, Chairman; C. Carsten, 2nd District; Mahoney, 5th District; Anderson, 37th District; Skarda, 7th District; Keyes, 3rd District; Epke, 24th District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1972, relating to sales and use tax; to change the exemption for irrigation and reclamation districts from the sales and use tax as prescribed; and to repeal the original section.

LEGISLATIVE BILL 907. By Simpson, 46th District.

A BILL FOR AN ACT relating to state employment; to exempt employees covered by any collective bargaining agreement from certain statutory provisions; to amend sections 32-1046, 81-1316, and 84-1001, Reissue Revised Statutes of Nebraska, 1943, and sections 44-1620, 81-1320, 81-1328, 81-1329, 84-306.03, and 84-1301, Revised Statutes Supplement, 1973; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 908. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Maresh, 32nd District; Goodrich, 20th District; F. Lewis, 45th District; R. Lewis, 38th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 60-407, Revised Statutes Supplement, 1973, relating to motor vehicles; to provide procedures for notifying the Department of Motor Vehicles of individuals with impaired driving ability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 909. By Anderson, 37th District.

A BILL FOR AN ACT to enact the Interstate Compact on the Placement of Children.

LEGISLATIVE BILL 910. By Anderson, 37th District.

A BILL FOR AN ACT relating to public meetings; to provide definitions; to provide procedure for holiday public meetings; to provide a penalty; to

repeal sections 84-1401 to 84-1407, Revised Statutes Supplement, 1972; and to declare an emergency.

LEGISLATIVE BILL 911. By Anderson, 37th District.

A BILL FOR AN ACT relating to education; to establish a financial assistance program for Nebraska citizens attending optometry schools outside the State of Nebraska; to establish procedures; and to declare an emergency.

LEGISLATIVE BILL 912. By Johnson, 15th District.

A BILL FOR AN ACT to amend section 8-318, Revised Statutes Supplement, 1972, relating to building and loan associations; to provide for fiduciary savings accounts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 913. By Johnson, 15th District.

A BILL FOR AN ACT to amend section 76-238.01, Reissue Revised Statutes of Nebraska, 1943, relating to mortgages; to limit future advances; and to repeal the original section.

LEGISLATIVE BILL 914. By Burbach, 19th District; Johnson, 15th District; C. Carsten, 2nd District.

A BILL FOR AN ACT relating to the Nebraska State Board of Agriculture; to authorize such board to issue revenue bonds for improvements of the Nebraska State Fair Grounds; to limit the amount of such bonds; to provide that such bonds shall not be an obligation of the state; to amend section 2-1208.01, Revised Statutes Supplement, 1973; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 915. By Miscellaneous Subjects Committee: Waldron, 42nd District; Mahoney, 5th District; Carpenter, 48th District; F. Lewis, 45th District; Cavanaugh, 9th District; Skarda, 7th District; Luedtke, 28th District.

A BILL FOR AN ACT relating to the Public Service Commission; to provide for regulations of wired or cabled television; to exempt community antenna television service; to provide procedures; and to provide a penalty.

LEGISLATIVE BILL 916. By Waldron, 42nd District.

A BILL FOR AN ACT to amend section 75-126, Reissue Revised Statutes of Nebraska, 1943, relating to Public Service Commission; to bring

shippers and consignees within the scope and application of unjust discrimination and practices; and to repeal the original section.

LEGISLATIVE BILL 917. By Revenue Committee: Burbach, 19th District, Chairman; Epke, 24th District; C. Carsten, 2nd District; Keyes, 3rd District; Skarda, 7th District; Mahoney, 5th District; Rasmussen, 41st District; Anderson, 37th District.

A BILL FOR AN ACT relating to the Nebraska Natural Resources Commission; to provide for the establishment of the Soil Survey Fund; and to provide procedures.

LEGISLATIVE BILL 918. By Revenue Committee: Burbach, 19th District, Chairman; Epke, 24th District; C. Carsten, 2nd District; Keyes, 3rd District; Skarda, 7th District; Mahoney, 5th District; Rasmussen, 41st District; Anderson, 37th District.

A BILL FOR AN ACT to amend section 85-163, Reissue Revised Statutes of Nebraska, 1943, relating to the Conservation and Survey Division of the University of Nebraska; to provide the right to contract and receive other funds; and to repeal the original section.

LEGISLATIVE BILL 919. By Savage, 10th District.

A BILL FOR AN ACT to amend sections 44-214 and 44-219, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to require an increase in capital stock and minimum surplus as prescribed; and to repeal the original section.

LEGISLATIVE BILL 920. By Luedtke, 28th District.

A BILL FOR AN ACT to amend section 39-721, Revised Statutes Supplement, 1972, relating to rules of the road; to permit extra length of buses because of safety bumpers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 921. By Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 39-6,108, 39-723.05, and 39-723.07, Revised Statutes Supplement, 1973, relating to rules of the road; to extend provisions for the posting of bonds; to change penalties; to change overweight provisions; and to repeal the original sections.

LEGISLATIVE BILL 922. By Luedtke, 28th District.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to establish standards for all audit, financial, or accounting reports filed with

the Auditor of Public Accounts as prescribed; to provide duties; and to provide an operative date.

LEGISLATIVE BILL 923. By Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 24-201.01, 24-301.01, 26-106, and 48-159, Revised Statutes Supplement, 1972, and section 24-513, Revised Statutes Supplement, 1973, relating to judges; to provide for an increase in judge's salaries as prescribed; to provide for operative dates; and to repeal the original sections.

LEGISLATIVE BILL 924. By Revenue Committee: Burbach, 19th District; Chairman; Mahoney, 5th District; Skarda, 7th District; C. Carsten, 2nd District; Rasmussen, 41st District; Anderson, 37th District; Keyes, 3rd District; Epke, 24th District.

A BILL FOR AN ACT relating to disaster and civil defense; to create a trust fund; to prescribe its name and purpose; and to provide for deposits.

LEGISLATIVE BILL 925. By Whitney, 44th District.

A BILL FOR AN ACT to amend section 72-1250, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Investment Council; to specify the manner in which a nominee for dealing with securities shall be created; and to repeal the original section.

LEGISLATIVE BILL 926. By Savage, 10th District.

A BILL FOR AN ACT to amend section 44-1618, Reissue Revised Statutes of Nebraska, 1943, relating to group insurance; to provide for an exemption; and to repeal the original section.

LEGISLATIVE BILL 927. By Snyder, 14th District; Barnett, 26th District.

A BILL FOR AN ACT relating to schools; to establish a Public School Finance Fund to be administered by the State Board of Education; to provide for a level of support at which all school districts of the state shall be fixed; to provide for annual distributions; to provide for the establishment annually by the State Department of Education of a uniform tax levy for all school districts; to repeal sections 79-1333 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 928. By Dickinson, 31st District.

A BILL FOR AN ACT to amend section 77-103, Reissue Revised Statutes of Nebraska, 1943, and sections 60-1601, 60-1601.01, and 60-1602, Revised Statutes Supplement, 1972, relating to cabin trailers; to redefine terms; to provide for taxation of cabin trailers situated on real estate as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 929. By Kennedy, 21st District.

A BILL FOR AN ACT relating to highways; to provide a discretionary increase of load limits; to provide controls; and to provide notice.

LEGISLATIVE BILL 930. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 83-1,143.06, Revised Statutes Supplement, 1973, relating to mental retardation; to place Butler county in Region 5; to provide for tuition procedures; and to repeal the original section.

LEGISLATIVE BILL 931. By Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 2-1207 and 2-1208.01, Revised Statutes Supplement, 1973, relating to the State Racing Commission; to increase the tax on pari-mutuel wagering; and to repeal the original sections.

RECESS

At 12:21 p.m., on a motion by Mr. Wiltse, the Legislature recessed until 4:00 p.m.

AFTER RECESS

The Legislature reconvened at 4:10 p.m., President Marsh presiding.

The roll was called and all members were present except Mr. Proud who was excused and Messrs. F. Carstens, Chambers, Clark, Fowler, Johnson, Kennedy, Keyes, F. Lewis, Marsh, Marvel, Nore, Rasmussen, Savage and Whitney who were absent.

NOTICE OF COMMITTEE HEARINGS**Revenue**

LB 791	Wednesday, January 30, 1974	2:00 p.m.
LB 804	Wednesday, January 30, 1974	2:00 p.m.

LB 728	Monday, February 4, 1974	2:00 p.m.
LB 820	Monday, February 4, 1974	2:00 p.m.
LB 825	Tuesday, February 5, 1974	2:00 p.m.
LB 691	Wednesday, February 6, 1974	2:00 p.m.
LB 831	Wednesday, February 6, 1974	2:00 p.m.

(Signed) J. W. Burbach, Chairman

Urban Affairs

LB 609	Wednesday, January 23, 1974	2:00 p.m.
LB 629	Wednesday, January 23, 1974	2:00 p.m.
LB 651	Wednesday, January 23, 1974	2:00 p.m.
LB 652	Wednesday, January 23, 1974	2:00 p.m.
LB 703	Wednesday, January 23, 1974	2:00 p.m.

(Signed) Duke Snyder, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
783	Re-referred from Education to Miscellaneous Subjects
807	Re-referred from Banking Commerce & Insurance to Labor Committee
808	Re-referred from Banking Commerce & Insurance to Labor Committee

LB	Committee	LB	Committee
841	Neb. Ret. Systems	856	Education
842	Gov. Mil. & Vets Afrs	857	Education
843	Labor	858	Agric. & Env.
844	Bkg. Comm. & Ins.	859	Pub. Hlth & Wel.
845	Bkg. Comm. & Ins.	860	Agric. & Env.
846	Cons. Rev. & Rec.	861	Labor
847	Education	862	Education
848	Bkg. Comm. & Ins.	863	Education
849	Education	864	Gov. Mil. & Vets Afrs
850	Public Works	865	Cons. Rev. & Rec.
851	Bkg. Comm. & Ins.	866	Pub. Hlth & Wel.
852	Education	867	Judiciary
853	Education	868	Misc. Subjects
854	Pub. Hlth & Wel.	869	Revenue
855	Gov. Mil. & Vets Afrs	870	Misc. Subjects

LB	Committee	LB	Committee
871	Public Works	902	Education
872	Neb. Ret. Systems	903	Pub. Hlth & Wel.
873	Public Works	904	Labor
874	Pub. Hlth & Wel.	905	Retirement
875	Urban Affairs	906	Revenue
876	Public Works	907	Labor
877	Public Works	908	Pub. Hlth & Wel.
878	Public Works	909	Pub. Hlth & Wel.
879	Urban Affairs	910	Misc. Subjects
880	Public Works	911	Education
881	Labor	912	Bkg. Comm. & Ins.
882	Labor	913	Bkg. Comm. & Ins.
883	Misc. Subjects	914	Revenue
884	Agric. & Env.	915	Misc. Subjects
885	Education	916	Agric. & Env.
886	Public Works	917	Revenue
887	Agric. & Env.	918	Revenue
888	Agric. & Env.	919	Bkg. Comm. & Ins.
889	Appropriations	920	Public Works
890	Neb. Ret. Systems	921	Public Works
891	Cons. Rev. & Rec.	922	Misc. Subjects
892	Telecommunications	923	Judiciary
893	Public Works	924	Revenue
894	Agric. & Env.	925	Bkg. Comm. & Ins.
895	Misc. Subjects	926	Bkg. Comm. & Ins.
896	Neb. Ret. Systems	927	Education
897	Labor	928	Revenue
898	Labor	929	Public Works
899	Education	930	Pub. Hlth. & Wel.
900	Education	931	Revenue
901	Education		

(Signed) Terry Carpenter, Chairman

MESSAGES FROM THE GOVERNOR

January 7, 1974

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have appointed Ronald J.

Mertens as Director of the Department of Economic Development. This appointment requires legislative confirmation.

Mr. Mertens serves at the pleasure of the Governor.

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

January 10, 1974

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointment to the Game and Parks Commission:

William Lindeken, Chadron — for a term of five years expiring January 15, 1979

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 613. Placed on General File.

(Signed) J. James Waldron, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 932. By Constitutional Revision and Recreation Committee: Syas, 13th District, Chairman; Burbach, 19th District; Kelly,

35th District; Duis, 39th District; F. Carstens, 30th District; Keyes, 3rd District; Snyder, 14th District.

A BILL FOR AN ACT to amend section 32-504, Revised Statutes Supplement, 1973, relating to elections; to provide for candidates filing for office of Governor and Lieutenant Governor; and to repeal the original section.

LEGISLATIVE BILL 933. By Constitutional Revision and Recreation Committee: Syas, 13th District, Chairman; Keyes, 3rd District; F. Carstens, 30th District; Burbach, 19th District; Kelly, 35th District; Anderson, 37th District; Snyder, 14th District.

A BILL FOR AN ACT to amend section 32-421.01, Revised Statutes Supplement, 1973, relating to elections; to provide the manner of placing petition candidates for Governor and Lieutenant Governor on the ballot for general elections; and to repeal the original section.

LEGISLATIVE BILL 934. By Epke, 24th District.

A BILL FOR AN ACT relating to agriculture; to provide for the registration and regulation of feedlots within the brand inspection area; to provide penalties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 935. By Epke, 24th District.

A BILL FOR AN ACT to amend section 54-153, Reissue Revised Statutes of Nebraska, 1943, sections 54-104, 54-143, 54-144, 54-147, and 54-152, Revised Statutes Supplement, 1972, and section 54-101, Revised Statutes Supplement, 1973, relating to the brand area; to define a term; to provide when an application for brand registration may be denied; to provide exceptions; to increase a fee; to clarify a provision; to make certain acts unlawful; to provide penalties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 936. By Waldron, 42nd District.

A BILL FOR AN ACT to adopt the District Attorney Act; to provide procedures; to create the Nebraska Council of Prosecuting Attorneys; and to establish the Prosecutors Council Fund.

LEGISLATIVE BILL 937. By Savage, 10th District.

A BILL FOR AN ACT to amend sections 23-1605 and 77-1804, Reissue Revised Statutes of Nebraska, 1943, relating to notices; to provide for legal newspapers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 938. By R. Lewis, 38th District.

A BILL FOR AN ACT relating to the Board of Regents of the University of Nebraska; to authorize the board to sell lands previously used by the College of Agriculture; to create an Agricultural Field Laboratory Fund; to prescribe its purpose; and to declare an emergency.

LEGISLATIVE BILL 939. By Keyes, 3rd District.

A BILL FOR AN ACT relating to unborn children; to recognize the right to life of the unborn child as prescribed.

LEGISLATIVE BILL 940. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 31-753 and 31-755, Revised Statutes Supplement, 1972, relating to sanitary and improvement districts; to extend the time for maturity of bonds; to provide for replacement warrants; to provide for interest; and to repeal the original sections.

LEGISLATIVE BILL 941. By Burbach, 19th District.

A BILL FOR AN ACT to amend section 39-722.01, Revised Statutes Supplement, 1973, relating to rules of the road; to provide for additional overweight permits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 942. By Burbach, 19th District.

A BILL FOR AN ACT to amend section 77-202.15, Revised Statutes Supplement, 1973, relating to the homestead tax exemption; to eliminate a requirement for the annual filing of claim; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 943. By Burbach, 19th District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1973, relating to sales and income tax; to provide for a family tax credit as prescribed; to define terms; and to repeal the original section.

LEGISLATIVE BILL 944. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 44-1603, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to increase the maximum amount of debtor group life insurance; and to repeal the original section.

LEGISLATIVE BILL 945. By Cavanaugh, 9th District.

A BILL FOR AN ACT to provide for the erection of a state office building at Omaha, Nebraska, as prescribed; to provide for funding and make appropriations; to amend section 77-2602, Revised Statutes Supplement, 1973; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 946. By Simpson, 46th District.

A BILL FOR AN ACT to repeal sections 81-263.37, 81-263.38, 81-263.41, 81-263.42, 81-263.43, 81-263.44, 81-263.45, 81-263.46, 81-263.47, 81-263.48, 81-263.49, 81-263.81, 81-263.82, 81-263.83, 81-263.85, and 81-263.86, Reissue Revised Statutes of Nebraska, 1943, and sections 81-263.39, 81-263.40, and 81-263.84, Revised Statutes Supplement, 1972, relating to the Nebraska Dairy Products Board; and to declare and emergency.

LEGISLATIVE BILL 947. By Barnett, 26th District.

A BILL FOR AN ACT relating to employment; to provide requirements for employee evaluations; to provide for removal of incorrect information; to provide a penalty; and to declare an emergency.

LEGISLATIVE BILL 948. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 23-1901, Reissue Revised Statutes of Nebraska, 1943, and section 33-116, Revised Statutes Supplement, 1972, relating to surveyors; to provide that each county board shall set the salary of the county surveyor; to make the county surveyor ex officio county engineer in counties over one hundred fifty thousand; and to repeal the original sections.

LEGISLATIVE BILL 949. By Waldron, 42nd District.

A BILL FOR AN ACT to amend sections 23-2416, and 81-8,227, Reissue Revised Statutes of Nebraska, 1943, and section 25-213, Revised Statutes Supplement, 1972, relating to statute of limitations; to extend the state of limitations for infants and persons insane or imprisoned as provided; and to repeal the original sections.

LEGISLATIVE BILL 950. By Snyder, 14th District.

A BILL FOR AN ACT to amend section 23-1114.07, Revised Statutes Supplement, 1973, relating to county officers; to provide the manner of

fixing salaries of members of the board of counties of Class 7; and to repeal the original section.

LEGISLATIVE BILL 951. By Fellman, 4th District.

A BILL FOR AN ACT to amend section 25-314, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to provide service of process on certain organizations; to require registration with the Secretary of State; to require a registration fee; and to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 952. By Kelly, 35th District.

A BILL FOR AN ACT relating to district courts; to provide duties for the clerk regarding certain divorce decrees; to provide duties for the court administrator; to provide change of venue for enforcement of child support orders; and to provide liability for assistance payments for children.

LEGISLATIVE BILL 953. By Kelly, 35th District.

A BILL FOR AN ACT relating to infants; to amend sections 43-512 and 43-512.01, Revised Statutes Supplement, 1972; to provide that the county attorney may request investigation of assistance applications; to provide for civil actions; to provide venue; to provide liability for assistance payments; and to repeal the original sections.

LEGISLATIVE BILL 954. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 77-2314, Reissue Revised Statutes of Nebraska, 1943, relating to county funds; to provide procedures for bank deposits; and to repeal the original section.

LEGISLATIVE BILL 955. By Anderson, 37th District.

A BILL FOR AN ACT to amend sections 77-1239.01, 77-1240, 77-1240.01, 77-1240.02, 77-1240.03, and 77-1240.04, Reissue Revised Statutes of Nebraska, 1943, and sections 60-302, 60-303, 60-305.11, 60-319, 60-329, 77-1238, 77-1239, 77-1239.02, and 77-1241, Revised Statutes Supplement, 1972, relating to motor vehicles; to provide procedures relating to motor vehicle fees; to provide an additional fee for certain passenger vehicles; to define terms; to provide for schedules of manufacturer's retail prices and vehicle weights; to provide a fee schedule; to provide a penalty; to exempt motor vehicles from ad valorem taxes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 956. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 81-1010, Revised Statutes Supplement, 1972, relating to state administrative departments; to provide that the chief of the transportation services bureau contract with intrastate air carriers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 957. By Schmit, 23rd District.

A BILL FOR AN ACT relating to husband and wife; to provide for the revocation of driver's licenses for failure to maintain child support payments; to provide procedures; and to provide a penalty.

LEGISLATIVE BILL 958. By Duis, 39th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1334 and 79-1336, Reissue Revised Statutes of Nebraska, 1943; to change amounts of financial support; to provide a spending limitation; and to repeal the original sections.

LEGISLATIVE BILL 959. By Duis, 39th District.

A BILL FOR AN ACT relating to counties; to authorize any county to issue its bonds to acquire its bonds to acquire a site for and to construct and equip a county community building or buildings for housing county enterprises, community activities and for social, athletic and recreational purposes; to levy a tax to pay the principal and interest on such bonds; to prescribe the method for authorizing such bonds; to authorize the county board to make rules and regulations with respect to the use of such buildings; and to enter into agreements with any city, village or school district in the county with respect to such buildings.

LEGISLATIVE BILL 960. By Goodrich, 20th District.

A BILL FOR AN ACT relating to services performed on personal property; and to provide procedures for disposition upon notice.

LEGISLATIVE BILL 961. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 42-358, Revised Statutes Supplement, 1972, relating to husband and wife; to provide for the appointment of attorneys to initiate contempt of court proceedings for the collection of delinquent child support payments; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 962. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 69-204, Reissue Revised Statutes of Nebraska, 1943, relating to pawnbrokers; to require a fingerprint or color photograph; and to repeal the original section.

LEGISLATIVE BILL 963. By Goodrich, 20th District.

A BILL FOR AN ACT relating to nursing; to amend sections 71-1,132.04 to 71-1,132.08, 71-132.11 to 71-1,132.15, 71-1,132.16, 71-1,132.20, 71-1,132.25, 71-1,132.27, 71-1,132.29, 71-1,132.30, 71-1,132.35 to 71-1,132.37, Reissue Revised Statutes of Nebraska, 1943; to provide definitions; to provide membership of the Board of Nursing; to provide qualifications of board members; to provide duties of the board; to provide requirements for registered and practical nurse licensure; to provide licensure procedures; to provide for license revocation; to provide penalties; and to repeal the original sections, and also sections 71-1,132.10, 71-1,132.17, 71-1,132.38 to 71-1,132.40, and 71-1,132.42, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 964. By DeCamp, 40th District.

A BILL FOR AN ACT to adopt the Comprehensive Health Education Act; to broaden the powers of the Commissioner of Education, as prescribed; and to repeal sections 79-1270, 79-1270.01, and 79-1270.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 965. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Fellman, 4th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 38-608, Reissue Revised Statutes of Nebraska, 1943, and section 38-629, Revised Statutes Supplement, 1972, relating to guardian and ward; to remove obsolete provisions; and to repeal the original sections, and also section 38-602, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 966. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Fellman, 4th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 29-2206, Revised Statutes Supplement, 1973, relating to criminal procedure; to provide when revocation or suspension of a motor vehicle operator's license shall be effective when a fine is paid in installments; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 967. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Chambers, 11th District; Fellman, 4th District.

A BILL FOR AN ACT to amend sections 29-1205 and 29-1207, Revised Statutes Supplement, 1972, relating to speedy trials; to provide that felonies shall be tried within ninety days after indictment or information filed; to provide that misdemeanors shall be tried within thirty days after arrest; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 968. By DeCamp, 40th District.

A BILL FOR AN ACT relating to loans; to provide for payment of interest on escrow accounts or reduction on the principal balance as prescribed.

LEGISLATIVE BILL 969. By Clark, 47th District.

A BILL FOR AN ACT to amend section 77-1209, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to exempt the value of a lease from personal property taxation; and to repeal the original section.

LEGISLATIVE BILL 970. By Marvel, 33rd District.

A BILL FOR AN ACT to amend section 37-224, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to change the manner in which money received from the sale of upland game bird stamps is expended; and to repeal the original section.

LEGISLATIVE BILL 971. By DeCamp, 40th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, by adding a new section 12, of the Constitution of Nebraska, relating to revenue; to provide for tax and expenditure limitations; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 972. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 68-703, Revised Statutes Supplement, 1973, relating to public welfare; to require the Director of Public Welfare to provide statewide child care services; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS

Labor

A public hearing will be held on Wednesday, January 23, 1974 at 5:00 p.m. in the East Lounge. Representatives from the Corp of Engineers will hear the public on possible flooding problems in the Big Blue River Basin.

(Signed) Richard Maresh, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 125
January 15, 1974

Dear Senator DeCamp:

In reply to your letter dated January 9, 1974, addressed to the Attorney General and your question of whether legislation could be enacted to remedy the situation of distillers who manufacture spirits selling to only select wholesalers who in turn sell to liquor retailers in the State of Nebraska.

Prior to 1971 there were no provisions in the Nebraska Liquor Control Act, Chapter 53, restricting distillers from providing their products to any number of wholesale licensees that they may choose. During the 82nd Legislature, 1971, the legislature passed LB 66 having in part the purpose or design of prohibiting manufacturers from adding competition to existing distillers in their respective established territories and prohibiting termination, coercion for resignation, or failure to renew, except under limited circumstances.

The effect of LB 66 was to establish franchises between the distiller and the local state wholesaler and prohibits the distiller from selling its product to other wholesalers.

Joseph E. Seagram and Sons together with several other distillers brought action in the District Court of Lancaster County, Nebraska, to declare LB 66 unconstitutional. The District Court entered an Order declaring the bill constitutional and the plaintiffs have appealed to the Nebraska Supreme Court and the case is pending awaiting assignment for argument and decision. The plaintiffs at the time of their action in the District Court secured an injunction against the Liquor Commission from enforcing the provisions of LB 66 and said injunction is still in effect.

It is the opinion of this office that if LB 66 is found by the Supreme Court to be constitutional then it has already been decided by the legislature to restrict competition between distillers and wholesalers and to further provide franchise protection to existing wholesalers. Likewise, if LB 66 is found to be unconstitutional then the conditions existing prior to the passage of LB 66 would return with the distillers being able to sell to those wholesalers of their choice.

It would appear unlikely that legislation could be enacted to compel distillers to sell their products to any wholesaler for as stated in Nelson vs. Tilley, 137 Neb 327, 289 N.W. 388, page 334; a case dealing with the licensing of new car dealerships,

“***A person may do business with whomsoever he desires and he may likewise refuse business relations with any person if he sees fit.***”

The type of legislation that you purpose would be an abrogation of the private contractual rights between individuals and it is believed that this type of legislation would bear no real or substantial relationship to the general health, morals or welfare of the public and therefore would be unconstitutional under the rationale as set out in Terry Carpenter, Inc. vs. Nebraska Liquor Control Commission, 175 Neb 26, 120 N.W. 2d 374; Tom and Jerry, Inc. vs. Nebraska Liquor Control, 183 Neb 410, 160 N.W. 2d 232; Central Markets West, Inc. vs. State of Nebraska, 186 Neb 79, 180 N.W. 2d 880, which cases provided that regulations must not be arbitrary or discriminatory.

Yours very truly,

(Signed) Robert R. Camp
Assistant Attorney General for
Nebraska Liquor Control
Commission

RRC:mif
cc:

NOTICE OF COMMITTEE HEARINGS Public Works

LB 806	Friday, January 25, 1974	2:00 p.m.
LB 827	Friday, January 25, 1974	2:00 p.m.
LB 605	Wednesday, January 30, 1974	2:00 p.m.
LB 797	Wednesday, January 30, 1974	2:00 p.m.
LB 873	Wednesday, January 30, 1974	2:00 p.m.
LB 757	Thursday, January 31, 1974	2:00 p.m.
LB 822	Thursday, January 31, 1974	2:00 p.m.
LB 833	Thursday, January 31, 1974	2:00 p.m.
LB 795	Friday, February 1, 1974	2:00 p.m.
LB 821	Friday, February 1, 1974	2:00 p.m.
LB 826	Friday, February 1, 1974	2:00 p.m.

LB 769	Wednesday, February 6, 1974	2:00 p.m.
LB 805	Wednesday, February 6, 1974	2:00 p.m.
LB 836	Wednesday, February 6, 1974	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

VISITORS

President Marsh introduced 57 Japanese students studying animal and poultry science in a special 3 month course at the Animal Science Department of the University of Nebraska—Lincoln. These students have spent the past year on host farms in the Western U.S. and will return to Japan next summer to apply their new knowledge of American agriculture to food production in Japan. Their instructors are Messrs. John Lesmeister and Dwight Stephens.

President Marsh introduced 33 students from Milford High, Milford, teacher Julie Jantzi and parents Mrs. Don Olsen and Mrs. Francis Sharp.

ADJOURNMENT

Mr. Hasebroock moved to adjourn until 9:00 a.m., Thursday, January 17, 1974. The motion lost with 13 ayes, 15 nays and 21 not voting.

At 4:29 p.m., on a motion by Mr. F. Lewis, the Legislature adjourned until 10:00 a.m., Thursday, January 17, 1974.

Vincent D. Brown
Clerk of the Legislature

ELEVENTH DAY—JANUARY 17, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 17, 1974

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor of Westminster Presbyterian Church.

O God, our Father, who art Creator, Sustainer of all that is: who art concerned for us here and now in history; who we are and what we do:

We pray for our National Leaders. Forgive them the blunders they have committed, the compromises they have made. Give courage to admit mistakes, that healing may come to our nation. Grant them new Faith in thee and in one another.

Save us as a people from being too judgmental of others and righteous about ourselves. For You have told us that in Your eyes no one is faultless; no not one.

We pray for our Own Legislature. Be pleased O Lord, to give wisdom and strength to our President who presides over the deliberations, and to each Senator for the demanding tasks which lie before them.

In moments of decision, lift them above the claims of politics to do the right as they see the right, that both truth and goodness will prevail; through Jesus Christ our Lord we pray, Amen.

ROLL CALL

The roll was called and all members were present except Messrs. C. Carsten and Marvel who were excused and Mr. DeCamp who was absent until 10:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Tenth Day was approved.

MESSEAGES FROM THE GOVERNOR

January 15, 1974

Mr. Vincent Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 280 and 280A.

These bills were signed by me on January 15, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

COMMUNICATIONS

MEMORANDUM

TO: Vincent D. Brown
Clerk of the Legislature

FROM: Jack R. Anderson, M.D., Director

In accordance with the directive contained in LB 256, sections 9 and 16, passed by the Eighty-Third Legislature, First Session, 1973, we submit copies of the following studies:

“The Role of the Beatrice State Home in the Nebraska Mental Retardation Delivery System”

“Preliminary Campus Program Plan for the Norfolk Regional Center”

JRA:ms
Enclosures: 2
Report on File in Clerk's Office

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 591. Replaced on Select File as amended.
E & R amendment to LB 591:

1. Add a new section to read:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

LEGISLATIVE BILL 595. Replaced on Select File as amended.
E & R amendment to LB 595:

1. On page 3, line 5, strike "Systems" and insert "Board".

LEGISLATIVE BILL 593. Replaced on Select File as amended.
E & R amendment to LB 593:

1. On page 5, line 1, strike "; and" and insert "and".

2. On page 10, line 26, strike "in any sum".

LEGISLATIVE BILL 17. Replaced on Select File as amended.
E & R amendment to LB 17:

1. In lieu of the Burbach amendments 2 and 3 adopted 1/15/74, strike the new matter in the Final Reading bill, page 2, lines 8 to 11.

2. In the Burbach amendment 4 adopted 1/15/74, lines 2 and 6, strike "this act" and insert "sections 89-183 to 89-1,103"; and in line 4 strike "Nebraska".

3. In line 5 of the title of the Final Reading bill, insert "to provide exemptions;" after the second semicolon.

LEGISLATIVE RESOLUTION 19. Placed on Select File.

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 43A, 162, 162A, 306A and 506A.

Correctly Engrossed

The following bills were correctly engrossed: LR 8, 377, 432, 565, 590, 594 and 596.

Correctly Enrolled

The following bills were correctly enrolled: 7, 217, 389 and 567.

(Signed) John J. Cavanaugh

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 7, 217, 389 and 567.

NOTICE OF COMMITTEE HEARINGS**Revenue**

LB 752	Tuesday, February 5, 1974	2:00 p.m.
LB 869	Tuesday, February 5, 1974	2:00 p.m.

(Signed) J. W. Burbach, Chairman

Public Health and Welfare

LB 773	Tuesday, January 29, 1974	2:00 p.m.
LB 816	Tuesday, January 29, 1974	2:00 p.m.
LB 854	Tuesday, January 29, 1974	2:00 p.m.

(Signed) Thomas Kennedy, Chairman

STANDING COMMITTEE REPORT**Committee on Committees**

January 15, 1974

Mr. President:

The Committee on Committees desires to report that it met on January 15, 1974, at 1:00 P.M. for the purpose of nominating a member to the Conflict of Interest Committee.

The following lay person was nominated as a member of the Conflict of Interest Committee to fill the vacancy created by the resignation of Frank Scott:

Bob Schnuelle

Committee Vote: For: (8) Senators Johnson, Nore, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Barnett, Chambers, Duis, Epke and Luedtke

(Signed) Ramey C. Whitney, Chairman

MOTION—Suspend Rules

Mr. Stahmer moved to suspend the rules to introduce a new bill (Req. No. 1505). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 973. By Stahmer, 8th District.

A BILL FOR AN ACT to amend section 79-1002, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to eliminate certain elections; to provide an operative date; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 104. Bracketed until Monday, January 21, 1974.

LEGISLATIVE BILL 490. Laid over at the request of Mr. R. Lewis.

UNANIMOUS CONSENT—Unbracket LB 513

Mr. Kennedy asked unanimous consent to unbracket LB 513 on Select File. No objections. So ordered.

MOTION—Return LB 513 to Select File

Mr. Kennedy renewed his pending motion to return LB 513 to Select File for the specific amendment found in the Journal on page 220 for the Eighth Day. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 513. The Kennedy specific amendment found in the Journal on page 220 for the Eighth Day was adopted with 26 ayes, 5 nays and 18 not voting.

Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARING
Banking, Commerce & Insurance

LB 837	Tuesday, January 29, 1974	2:00 p.m.
LB 840	Tuesday, January 29, 1974	2:00 p.m.
LB 851	Tuesday, January 29, 1974	2:00 p.m.
LB 912	Tuesday, January 29, 1974	2:00 p.m.
LB 913	Tuesday, January 29, 1974	2:00 p.m.
LB 721	Monday, February 4, 1974	2:00 p.m.
LB 764	Monday, February 4, 1974	2:00 p.m.
LB 781	Monday, February 4, 1974	2:00 p.m.
LB 784	Monday, February 4, 1974	2:00 p.m.
LB 809	Tuesday, February 5, 1974	2:00 p.m.
LB 919	Tuesday, February 5, 1974	2:00 p.m.
LB 925	Tuesday, February 5, 1974	2:00 p.m.
LB 926	Tuesday, February 5, 1974	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Richendifer asked unanimous consent to be excused Friday, January 18. No objections. So ordered.

MOTIONS—Introduce Bills

Mr. Kremer moved the introduction of a new bill by the Public Works Committee (Req. No. 1385). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Kremer moved the introduction of a new bill by the committees on Public Works and Agriculture and Environment (Req. Nos. 1287 and 1462). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 974. By Public Works Committee: Kremer, 34th District, Chairman; Stromer, 36th District; R. Lewis, 38th District; Wiltse, 1st District; Hasebroock, 18th District; Moylan, 6th District; Warner, 25th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 60-412, Revised Statutes Supplement, 1973, relating to motor vehicles operators' licenses; to change

the name of the Drivers' License Abstracts Computerization Fund to the Department of Motor Vehicles Computerization Fund; to change how such fund shall be used; and to repeal the original section.

LEGISLATIVE BILL 975. By Public Works Committee: Kremer, 34th District, Chairman; Hasebroock, 18th District; R. Lewis, 38th District; Moylan, 6th District; Stromer, 36th District; Warner, 25th District; and Agriculture and Environment Committee: Schmit, 23rd District; Epke, 24th District; C. Carsten, 2nd District; Dickinson, 31st District; Kennedy, 21st District; Kime, 43rd District; Maresh, 32nd District, Rasmussen, 41st District.

A BILL FOR AN ACT relating to natural resources; to state legislative intent; to create the Nebraska Resources Development Fund and prescribe its source and use; to create an advisory board; and to provide severability.

LEGISLATIVE BILL 976. By Public Works Committee: Kremer, 34th District, Chairman; Stromer, 36th District; Warner, 25th District; Moylan, 6th District; Hasebroock, 18th District; Wiltse, 1st District; R. Lewis, 38th District, Goodrich, 20th District.

A BILL FOR AN ACT relating to the Governor; to provide that the Governor shall present recommendations and proposed legislation to the Legislature's committee on Public Works as prescribed; and to declare an emergency.

MESSAGE FROM THE GOVERNOR

January 17, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 217 without my signature and with my objections.

With this legislation, you have singled out the citizens of only one of our Nebraska cities for special legislation to the exclusion of all others. Again, you have ignored the oft-expressed wishes of Omaha voters and have attempted to usurp their legitimate local decisions.

Once again I state that if the Legislature feels so strongly about district elections, why did you not include the Lincoln and similar sized school districts in such legislation? Although I personally favor district elections, I

believe that they should generally be statewide if we are to attempt to dictate at the state level to subdivisions in such matters. It should be noted that the Legislature now has for consideration measures that would correct this obvious inequity. I hope that you will concur that this is unfair legislation as passed since it is obviously directly aimed at only one school district in the entire state.

In this regard, I have always held that the more reasonable approach to the district or at large elections should logically be a combination of the two. That is, district nomination of at least two candidates in the primary elections by voters in the district only and then at large elections of one candidate from each district in the general elections.

Sincerely,

(Signed) J. James Exon
Governor

JJE:fw

MOTION—Override Veto

Mr. Chambers moved to override the Governor's veto on LB 217.

Mr. Carpenter requested a roll call vote.

Whereupon the President stated: "The question is, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 27:

Anderson	Barnett	Carpenter	F. Carstens	Cavanaugh
Clark	DeCamp	Duis	Fellman	Fowler
Kelly	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Nore	Proud	Rasmussen
Richendifer	Schmit	Simpson	Skarda	Stahmer
Waldron	Warner			

Voting in the negative, 19:

Burbach	Chambers	Dickinson	Epke	Goodrich
Hasebroock	Johnson	Kennedy	Keyes	Kime
F. Lewis	Moylan	Murphy	Savage	Snyder
Stromer	Stull	Syas	Whitney	

Not voting, 3:

C. Carsten	Marvel	Wiltse
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

ATTORNEY GENERAL'S OPINION

Opinion No. 125
January 17, 1974

Dear Senator R. Lewis:

You have sought our opinion concerning L.B. 672 which would amend Section 9-307(1) as follows:

“(1) A buyer in ordinary course of business (subsection (9) of section 1-201) ~~other than a person buying farm products from a person engaged in farming operations~~ take free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.”

By its terms it would eliminate the distinction between buyers of farm products in the ordinary course of business from a person engaging in farm operations and other buyers from inventory in the ordinary course of business. The buyer in the ordinary course of business would take free of a prior security interest, irrespective of the nature of the goods, and the secured party's security interest would continue in the proceeds of the sale, pursuant to Section 9-306. Because the change concerns farm products you inquire whether this would affect 9-307(2) which deals with farm equipment, as follows:

“(2) In the case of consumer goods and in the case of farm equipment having an original purchase price not in excess of twenty-five hundred dollars (other than fixtures, see section 9-313), a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes of his own farming operations unless prior to the purchase the secured party has filed a financing statement covering such goods.”

The code, in Section 9-109 defines farm products and farm equipment:

“(2) ‘equipment’ if they are used or bought for use primarily in business (including farming or a profession) or by a debtor who is a nonprofit organization or a governmental subdivision or agency or if the goods are not included in the definitions of inventory, farm products or consumer goods;

“(3) ‘farm products’ if they are crops or livestock or supplies used or produced in farming operations or if they are products of crops or livestock in their unmanufactured states (such as ginned cotton, wool-clip, maple syrup, milk and eggs), and if they are in the possession of a debtor engaged in raising, fattening, grazing or other farming operations. If goods are farm products they are neither equipment nor inventory; * * *.”

The two concepts, then, are independent of each other, and it is clear then that any amendment to the first section of 9-307 is independent of the second section, and in fact, independent of any other provision in the Uniform Commercial Code.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Betsy G. Berger
Assistant Attorney General

BGB:jc

cc: Vincent D. Brown

NOTICE OF COMMITTEE HEARINGS **Miscellaneous Subjects**

LB 716	Thursday, January 24, 1974	2:00 p.m.
LB 790	Thursday, January 24, 1974	2:00 p.m.
LB 818	Thursday, January 24, 1974	2:00 p.m.
LB 870	Thursday, January 24, 1974	2:00 p.m.

(Signed) J. James Waldron, Chairman

Government, Military and Veteran's Affairs

LB 604	Thursday, January 24, 1974	2:00 p.m.
LB 614	Thursday, January 24, 1974	2:00 p.m.
LB 623	Thursday, January 24, 1974	2:00 p.m.
LB 624	Thursday, January 24, 1974	2:00 p.m.
LB 630	Thursday, January 24, 1974	2:00 p.m.
LB 646	Friday, January 25, 1974	2:00 p.m.
LB 677	Friday, January 25, 1974	2:00 p.m.
LB 678	Friday, January 25, 1974	2:00 p.m.
LB 690	Friday, January 25, 1974	2:00 p.m.
LB 771	Friday, January 25, 1974	2:00 p.m.

(Signed) Ernest Chambers, Chairman

REFERENCE COMMITTEE REPORT

LB Committee

- 740 Re-referred from Judiciary to Nebraska Retirement Systems
 789 Re-referred from Banking, Commerce & Insurance to Nebraska Retirement Systems
 839 Re-referred from Banking, Commerce & Insurance to Nebraska Retirement Systems
 872 Re-referred from Nebraska Retirement Systems to Government, Military & Veterans Affairs

LB Committee

- 932 Cons. Rev. & Rec.
 933 Cons. Rev. & Rec.
 934 Agric. & Env.
 935 Agric. & Env.
 936 Judiciary
 937 Misc. Subjects
 938 Appropriations
 939 Pub. Hlth & Wel.
 940 Urban Affairs
 941 Public Works
 942 Revenue
 943 Revenue
 944 Bkg. Comm. & Ins.
 945 Misc. Subjects
 946 Agric. & Env.
 947 Labor
 948 Gov. Mil. & Vets. Affs
 949 Pub. Hlth & Wel.
 950 Gov. Mil. & Vets. Affs
 951 Labor
 952 Judiciary
 953 Pub. Hlth & Wel.
 954 Bkg. Comm. & Ins.

LB Committee

- 955 Public Works
 956 Misc. Subjects
 957 Pub. Hlth & Wel.
 958 Education
 959 Revenue
 960 Cons. Rev. & Rec.
 961 Pub. Hlth & Wel.
 962 Misc. Subjects
 963 Pub. Hlth & Wel.
 964 Education
 965 Pub. Hlth & Wel.
 966 Judiciary
 967 Judiciary
 968 Bkg. Comm. & Ins.
 969 Revenue
 970 Cons. Rev. & Rec.
 971 Revenue
 972 Misc. Subjects
 973 Education
 974 Public Works
 975 Public Works
 976 Public Works

(Signed) Terry Carpenter, Chairman

UNANIMOUS CONSENT—Add Co-introducer

Mr. Waldron asked unanimous consent to add his name to LB 613. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. Simpson asked unanimous consent to be excused Friday, January 18. No objections. So ordered.

VISITORS

Mr. Barnett introduced Ed Kearney and Dave Fosler, students at Robin Mickle Jr. High School, Lincoln.

Mr. Barnett introduced Dr. Anthony Fusaro, Assistant Chairman, Department of Political Science, Northern Illinois University, DeKalb, Illinois; Dr. Roderick Groves, Academic Planning Coordinator, Illinois Board of Regents, Springfield, Illinois; Dr. N. Judge King, Jr., Fellow of the Rockefeller Foundation, Professor of Chemistry, Northern Illinois University; Dr. Clive Veri, Dean, College of Continuing Education, Northern Illinois University, DeKalb, Illinois.

ADJOURNMENT

At 12:17 p.m., on a motion by Mr. Rasmussen, the Legislature adjourned until 9:00 a.m., Friday, January 18, 1974.

Vincent D. Brown
Clerk of the Legislature

TWELFTH DAY—JANUARY 18, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 18, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor of Westminster Presbyterian Church.

Almighty God and Father of the Universe, we came to Thee conscious of our own shortcomings, but with confidence, even gladness and joy that having placed our trust in Thee, our faith is well founded.

May we tolerate nothing in our personal living which if multiplied would weaken our nation. Teach us the country is no better than those in whom it puts its trust.

Give us, the boldness of a faith that has conviction as well as sentiment. Enable us to see issues clearly and bring the best available knowledge to bear upon their solution.

Take from us all fear, save that of failing to live and work in accordance with Thy will, we pray in the spirit of Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Richendifer and Simpson who were excused; Mr. F. Carstens excused until 9:30 a.m. and Mr. F. Lewis excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 298, line 22, correct spelling of "by".

The Journal for the Eleventh Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on January 18, 1974, at 8:50 a.m.:
7, 389, and 567.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 66. Placed on Select File as amended.
E & R amendment to LB 66:

1. Renumber sections 6 and 7 added by the Barnett amendment 5 as sections 5 and 6 and original section 5 as section 7.
2. On page 2, line 26, insert "to" after the third comma.
3. On page 3, strike lines 10 and 11 and insert "and amendments thereto, shall, when applicable, apply to the tests provided for in this section."
4. In the Barnett amendment 4, line 1, insert "Sec. 4." before "All"; at the end of line 1 insert "and tests"; in line 2 strike "taken"; and in lines 4 and 5 strike "are to" and insert "shall".
5. In renumbered section 5, line 3, strike the comma.
6. In renumbered section 6, line 3, strike "will" and insert "shall".
7. In the title, strike lines 2 to 4 and insert:
"FOR AN ACT relating to fatal motor vehicle accidents;
to provide for reports; to provide for body
fluid tests as prescribed; to restrict use of
reports and statements; to provide for costs;
and to provide for rules and regulations."

LEGISLATIVE BILL 396. Placed on Select File as amended.
E & R amendment to LB 396:

1. Insert a new section to read:
"Section 1. That section 72-1240, Reissue
Revised Statutes of Nebraska, 1943, be amended to read as
follows:
72-1240. The council shall appoint a state
investment officer. The appointment shall be subject to
the approval of the Legislature. The state investment
officer shall be a person well qualified by training to
administer and invest the money available for investment

under the provisions of this act, and he shall have appropriate experience in the management of investment portfolios. His salary shall be fixed by the council at not less than twenty-five thousand dollars per year. He shall serve without term and may be removed for cause by the council."

2. Renumber original section 1 as section 2, section 2 added by the Mahoney amendment as section 3, and original section 2 as section 4.

3. Strike the Carpenter amendments 4 to 6.

4. In the Carpenter amendment 2, line 1, strike the semicolon.

5. On page 3, line 25, strike "(12)".

6. On page 4, line 1, strike the semicolon and show as stricken and strike "(13)" and "(12)".

7. In the title, line 2, strike "section 72-1246" and insert "sections 72-1240, 72-1246, and 72-1256"; in line 4 insert "to provide a minimum salary for the state investment officer;" after the semicolon; in lines 4 and 5 strike "provide for additional" and insert "change"; in line 5 insert "to change reporting requirements;" after the semicolon; and in line 6 strike "section" and insert "sections".

(Signed) John J. Cavanaugh, Chairman

COMMUNICATIONS

Acknowledged receipt of Senate Resolution 4 from Texas regarding approaches to the energy problem. Copy on file in the Clerk's office.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 17, 1974. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Brakenhoff, Loren — Lincoln, (reactivated), Nebraska Council of School Administrators

Brauer, S. H. Jr. — Lincoln, Nebraska School Improvement Association

Broman, Marvin E. — Lincoln, Nebraska/South Dakota Jewelers Association

Crosby, Robert B. — Lincoln, Nebraska Association of Tobacco Distributors and Tobacco Institute, Inc.

Davis, Donn E. — Lincoln, Nebraska Association of Tobacco Distributors and Tobacco Institute, Inc.

Fisher, Charles F. — Chadron, Nebraska State Volunteer Firemens Assn

Johnson, Michael R. — Lincoln, American Mutual Insurance Alliance

Johnson, Oliver — Lincoln, Nebraska Chapter of Associated General Contractors of America

Kessner, Theodore L. — Lincoln, Nebraska Mortgage Association

Meyers, Victor J. — Omaha, OSACS Education Association

Noren, Charles F. — Lincoln, Nebraska County Judges Association

O'Hara, Jean — Lincoln, Women's Lobby Inc., Nebraska

Orton, Lee — Lincoln, Nebraska Association of Resources Districts

Piester, David L. — Lincoln, Legal Aid Society of Lincoln, Inc.

Plant, J. James — Lincoln, Represents Self

Rall, Frank — Lincoln, Nebraska Lawyers for Responsible Probate Reform

Rowson, Joseph Peter — Lincoln, Lincoln Public Schools (School Dist. No. 1)

Talcott, Stanley M. — Lincoln, Nebraska Mortgage Association

Tews, David D. — Lincoln, Nebraska County Judges Association

EXPLANATION OF VOTE

Had I been present on January 17, I would have voted no on the override of LB 217.

(Signed) C. Carsten

UNANIMOUS CONSENT—Print in Journal

Mr. Syas asked unanimous consent to print the following amendments to LB 104 in the Journal. No objections. So ordered.

1. Amend Standing Committee amendment line 4 by inserting after "areas" the following ", not otherwise exempt,".

2. In the Standing Committee amendment (1), on line 5 after "preservation", insert the following: "but only to the extent that the state shall reimburse taxing subdivisions for the tax revenues lost by reason of the granting of such ad valorem tax exemption".

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 212.

A BILL FOR AN ACT relating to sales; to provide the rights and duties of the parties to home solicitation sales.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Proud	Rasmussen	Savage	Schmit	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

F. Carstens	Duis	F. Lewis	Richendifer	Simpson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 508.

Bracketed until January 25, 1974 at the request of Mr. Waldron.

LEGISLATIVE BILL 569.

A BILL FOR AN ACT to amend section 83-145, Revised Statutes Supplement, 1973, relating to Department of Correctional Services-made goods; to provide for a standard of quality and materials; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kennedy	Keyes	Kime	Kremer

Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Proud	Rasmussen	Savage	Schmit
Skarda	Snyder	Stahmer	Stromer	Stull
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 3:

Kelly	R. Lewis	Nore
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Not voting, 7:

F. Carstens	Dickinson	F. Lewis	Murphy	Richendifer
Simpson	Syas			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 105.

Introduced by Marvel, 33rd District; Savage, 10th District.

WHEREAS, Nebraska has lost a leader and Nebraskans have lost a friend with the passing of Frederick Andrew Seaton. Fred Seaton's contribution to his state and to his country included two terms with the Nebraska Legislature and service as Chairman of the Legislative Council, United States Senator, Assistant Secretary of Defense, and Secretary of the Interior. As a newspaper publisher, a nationally recognized television and broadcasting expert, an advisor to the National Trust for Historic Preservation, an Honorary member of the National Council, Boy Scouts of America, and State Chairman of the Radio Free Europe Fund, Fred Seaton was and is an inspiration to all quiet, conscientious, and hard working people. To completely list his accomplishments would merely understate his value. We have indeed lost a leader and a friend but he lives on in our hearts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature extends its deepest sympathy to the family of Fred Seaton.

2. That the Legislature recognizes the accomplishments of this man as an inspiration to all men.

3. That a copy of this Resolution be presented to the family of Fred Seaton as a statement of our complete respect for him.

4. That the Legislature stand for a moment of silent tribute in memory of this man.

Mr. Marvel moved to suspend the rules and consider LR 105 today. The motion prevailed with 44 ayes, 0 nays and 5 not voting.

LR 105 was adopted with 45 ayes, 0 nays and 4 not voting.

The members stood for a moment of silence in memory of Mr. Seaton.

NOTICE OF COMMITTEE HEARINGS
Agriculture & Environment

LB 640	Thursday, January 24, 1974	2:00 p.m.
LB 641	Thursday, January 24, 1974	2:00 p.m.
LB 709	Thursday, January 24, 1974	2:00 p.m.
LB 756	Thursday, January 24, 1974	2:00 p.m.
LB 802	Friday, January 25, 1974	2:00 p.m.
LB 888	Friday, January 25, 1974	2:00 p.m.

(Signed) Loran Schmit, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 977. At the request of the Governor: By Kennedy, 21st District.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1972, relating to public welfare; to increase maximum payments for and to dependent children; and to repeal the original section.

MOTION—Reconsider Action

Mr. Chambers moved to reconsider action on LB 217 of January 17, 1974.

Motion pending.

MOTION—Approve Appointment

Mr. Whitney moved to approve the Governor appointment of Bob Schnuelle to the Conflict of Interest Committee, found in the Journal on page 300 for the Eleventh Day.

Voting in the affirmative, 38:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Clark	Duis	Epke	Fowler	Goodrich
Hasebrook	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Savage	Schmit
Skarda	Snyder	Stromer	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Carpenter	Cavanaugh	Chambers	DeCamp	Dickinson
Fellman	R. Lewis	Richendifer	Simpson	Stahmer
Stull				

The President declared the appointment of Mr. Schnuelle confirmed.

MOTION—Suspend Rules

Mr. Maresh moved to suspend the rules to consider LR 103 today.

Mr. Maresh asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. Maresh moved to refer LR 103 to the Labor Committee for a public hearing. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

MOTION—Suspend Rules

Mr. Stull moved to suspend the rules to introduce 3 new bills by the Executive Board. (Req. Nos. 1104, 1508 and 1509)

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 978. By Executive Board: Carpenter, 48th District, Chairman; Stull, 49th District; Mahoney, 5th District; Savage, 10th District; Stromer, 36th District; Kremer, 34th District; Proud, 12th District; Goodrich, 20th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XV, section 17, of the Constitution of Nebraska, relating to

investment of public funds; to permit the investment of any funds of political subdivisions in such manner as the Legislature may authorize; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 979. By Executive Board: Carpenter, 48th District, Chairman; Savage, 10th District; Kremer, 34th District; Stull, 49th District; Mahoney, 5th District; Stromer, 36th District; Proud, 12th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 17-568.01, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to increase the amount of contracts for materials, work, building, or improvement, and consulting services and insurance contracts requiring the approval of the city council or village board; and to repeal the original section.

LEGISLATIVE BILL 980. By Executive Board: Carpenter, 48th District; Stull, 49th District; Mahoney, 5th District; Stromer, 36th District; Proud, 12th District; Goodrich, 20th District; Savage, 10th District; Kremer, 34th District.

A BILL FOR AN ACT to amend section 16-321, Revised Statutes Supplement, 1972, relating to cities of the first class; to increase the amount for enlargement and improvements of water and electric departments requiring approval by the city council; to increase the amount for general improvements, consulting services or insurance contracts before advertising for bids; and to repeal the original section.

MOTION—Suspend Rules

Mr. Waldron moved to suspend the rules to introduce a new bill by the Miscellaneous Subjects Committee (Req. No. 1236).

The motion prevailed with 30 ayes, 1 nay and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 981. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Carpenter, 48th District; Mahoney, 5th District; Cavanaugh, 9th District; Murphy, 17th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 81-8,139, Reissue Revised Statutes of Nebraska, 1943, relating to the State Athletic Commissioner; to provide for the disciplining of amateur athletics; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 490. Mr. R. Lewis offered the following amendment:

1. On page 3 after line 14 insert "When any person, firm, company, or corporation deems its property rights have been adversely affected by the application of the provisions of this act, such person, firm, company, or corporation shall have the right to have damages ascertained and determined pursuant to the provisions of Chapter 76, article 7.".

Amendment pending. Bracketed at request of R. Lewis.

LEGISLATIVE BILL 591. E & R amendment found in the Journal on page 299 for the Eleventh Day was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 595. E & R amendment found in the Journal on page 299 for the Eleventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 593. E & R amendments found in the Journal on page 299 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 17. E & R amendments found in the Journal on page 299 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE RESOLUTION 19. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Add Co-introducer

Mr. Chambers asked unanimous consent to add his name to LB 899, LB 900, LB 901 and LB 902. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS Public Health & Welfare

LB 859	Monday, February 4, 1974	2:00 p.m.
LB 866	Monday, February 4, 1974	2:00 p.m.
LB 909	Monday, February 4, 1974	2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

Banking, Commerce & Insurance

LB 848	Monday, January 28, 1974	2:00 p.m.
LB 944	Monday, January 28, 1974	2:00 p.m.
LB 954	Monday, January 28, 1974	2:00 p.m.
LB 968	Monday, January 28, 1974	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

Public Works

LB 673	Cancel hearing set for Wednesday, January 23, 1974	
LB 929	Wednesday, January 23, 1974	2:00 p.m.
LB 941	Wednesday, January 23, 1974	2:00 p.m.
LB 975	Thursday, January 31, 1974	2:00 p.m.
LB 878	Wednesday, February 6, 1974	2:00 p.m.
LB 850	Thursday, February 7, 1974	2:00 p.m.
LB 876	Thursday, February 7, 1974	2:00 p.m.
LB 880	Thursday, February 7, 1974	2:00 p.m.
LB 955	Thursday, February 7, 1974	2:00 p.m.
LB 871	Friday, February 8, 1974	2:00 p.m.
LB 893	Friday, February 8, 1974	2:00 p.m.
LB 920	Friday, February 8, 1974	2:00 p.m.
LB 921	Friday, February 8, 1974	2:00 p.m.
LB 974	Wednesday, February 13, 1974	2:00 p.m.
LB 877	Thursday, February 14, 1974	2:00 p.m.
LB 976	Thursday, February 14, 1974	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Appropriations

January 21, 1974 – 12:00 to 2:30 p.m.
Meeting with Agricultural representatives at the Kellogg Center

January 21, 1974 – 3:00 p.m., Room 1003
State Patrol

January 22, 1974 – 2:00 p.m.
Department of Education

January 23, 1974 – 2:00 p.m.
Game and Parks Commission

January 24, 1974 – 2:00 p.m.
Department of Roads

(Signed) Richard D. Marvel, Chairman

UNANIMOUS CONSENT—Members Excused

Mr. Johnson asked unanimous consent to be excused at 11:30 a.m. today.
No objections. So ordered.

Mr. R. Lewis asked unanimous consent to be excused at 10:20 a.m. until
12:00 noon. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 434. Bracketed until February 6, 1974 at the
request of Mr. Waldron.

LEGISLATIVE BILL 568. Bracketed until Tuesday, January 22, 1974 at
the request of Mr. Luedtke.

LEGISLATIVE BILL 92. Considered.

Mr. Kennedy asked unanimous consent to withdraw the Standing
Committee amendments found in the Journal on page 904 for the
Fifty-fourth Day (First Session). No objections. So ordered.

Mr. Kennedy offered the following Standing Committee amendment
which was adopted:

1. On page 5, after line 11 insert the following new section:
"Sec. 3. That section 43-611, Revised Statutes Supplement,
- 2 1973, be amended to read as follows:
- 3 43-611. Sufficient funds shall be appropriated by the Leg-
- 4 islature to carry out the provisions of section 43-601 and
- 5 sections 43-604 to 43-616.01, such funds to be channeled through
- 6 the office of the State Department of Education and the department
- 7 shall be authorized to expend such funds upon proper vouchers
- 8 approved by the department and warrants issued by the Director

9 of Administrative Services for (1) financial reimbursement to
 10 local school districts, educational service units, agencies,
 11 and parents or guardians, including full reimbursement for the
 12 amount expended pursuant to sections 43-607 and 43-616.01 for
 13 actual transportation expenses per year ~~not to exceed four hundred-~~
 14 ~~dollars~~ for handicapped and ~~trainable~~ mentally retarded children,
 15 (2) instructional aids and consultative, supervisory, research and
 16 testing services to local school districts, and (3) salaries,
 17 wages, maintenance, supplies, travel, and other expenses essential
 18 to carrying out the provisions for special education.”.

Mr. Snyder offered the following amendment:

1. On page 2, line 16 strike “forty” and insert “ten”,
 strike “the distance” and insert “each actual mile or fraction
thereof traveled”.

2. On page 3, line 5, strike “forty” and insert “forty ten”,
 after “each” insert “actual”; and line 6 after “thereof” insert
 “traveled”, and also strike “of the distance” and show as stricken
 matter.

3. On page 3, line 20 strike “forty” and insert “forty ten”,
 and after “mile” insert “actually traveled”, and strike “for the
 distance” and show as stricken matter.

4. On page 5, line 3 strike “forty” and insert “forty ten”,
 and line 4 after “mile” strike “for the distance” and insert “for
the distance actually traveled”.

Mr. Stull offered the following amendment to the Snyder amendment,
 which was adopted:

Amend the Snyder amendment by striking “ten” and inserting
 “twelve” in all instances.

The Snyder amendment was adopted, as amended.

The Barnett pending amendment found in the Journal on page 126 for the
 Second Day was adopted.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

LEGISLATIVE BILL 592. Considered.

Mr. Carpenter asked unanimous consent to withdraw his pending
 amendment found in the Journal on pages 240 and 241 for the Ninth Day.
 No objections. So ordered.

The Carpenter pending amendment found in the Journal on pages 238 and
 239 for the Ninth Day were adopted.

Mr. Carpenter offered the following amendments, which were adopted:

New Section. Sec. 1. At the statewide primary election in each even numbered year, there shall be nominated in each Class III school district whose board of education consists of six members enough members of the board of education to provide for a full complement of six members and in each Class III school district whose board of education consists of nine members enough members of the Board of Education to provide for a full complement of nine members. Candidates may make a personal filing as provided in Section 32-503.01 or by petition as provided in Section 32-504. Boards of Education of Class III districts holding their elections by ward or district shall continue to elect their members in such manner and those boards of education holding their elections at large shall continue to elect their members at large. Any change in the procedures of electing board members from districts or wards to at large or from at large to district or wards shall be by petition as provided in Section 5-108. The number of members to be nominated at the statewide primary election and elected at the statewide general election and the terms for which they will be nominated and elected shall be determined by the county clerk or election commissioner with the aid of the elected secretary of the board of education of the district in accordance with the following:

(a) (i) The term of office of any member of such board that would expire prior to the first Thursday after the first Tuesday in January 1975 is hereby extended to such date.

(ii) The term of office of any member that would expire after such latter date and prior to the first Thursday after the first Tuesday in January 1977 is hereby extended to the first Thursday after the first Tuesday of January 1977.

(iii) The term of office of any member that would expire after such latter date and prior to the first Thursday after the first Tuesday in January 1979 is hereby extended to the first Thursday after the first Tuesday of January 1979.

Sec. 2. Terms shall be staggered so by not later than the general election of 1978 three members shall be elected to each six member board and to each nine member board at each general election. When it becomes necessary to establish the staggering of terms by nominating and electing members for terms of different duration at the same election, candidates receiving the greatest number of votes shall be nominated, provided in no case shall the county clerk or election commissioner place on the general election ballot more than twice the number of names required to fill the vacancies that will occur. When the name of a person is written in and voted for as a candidate who did not file or become a petition candidate for such nomination, such person shall not be entitled to a certificate of nomination at a statewide primary election nor have his name placed on the general election ballot unless such person shall have received not less than twenty percent of the total votes cast for the candidate receiving the greatest number of votes in the district or ward or the candidate receiving the greatest number of votes when the candidates are nominated at large at

the primary election. In the case of a tie vote of any of the candidates in either the primary or general election the county clerk or election commissioner, as the case may be, shall notify such candidates to appear at his office on a given day and hour to determine the same by lot before the county canvassing board and the certificate of nomination shall be given accordingly. Notice shall be by certified mail.

Sec. 3. When more than one person becomes a candidate by filing, petition or write-in procedures for the same position in the primary, the county clerk or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary but in no event shall the names on the official general election ballot be more than twice the number of vacancies to be filled at the general election.

Sec. 4. The candidates shall be placed on the general election ballot and the candidates receiving the greatest number of votes shall be elected to terms of the longest duration and those receiving the next greatest number of votes shall be elected to the remaining term or terms. The county clerk or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. The term of office of all such members shall commence on the first Thursday after the first Tuesday in January following each statewide general election. Any vacancy on the board resulting from causes other than expiration of the term shall be filled by vote of the remaining members for the balance of the term.

Sec. 5. A Class III school district whose board of education consists of six members may by resolution provide for an increase in the number of their members from six to nine and the county clerk or election commissioner with the aid of the elected secretary of the board of education of the district shall determine the length of terms for which candidates shall be nominated and elected. The board of education shall appoint members to fill the three vacancies thus created and such appointed members shall serve until the first Thursday after the first Tuesday in January of the next odd numbered year.

Sec. 6. A Class III school district whose board of education consists of nine members may by resolution provide for decreasing the number of members of the board of education from nine to six. When such decrease is provided for, the vacancies which would otherwise occur at the next election shall not be filled.

Sec. 7. The county clerk or election commissioner shall place on the primary and general election ballot a directive specifying the number of candidates for which votes may be cast.

Repeal Section 79-803.

On page 3, lines 20 and 21, strike "and also section 79-803.03 Revised Statutes Supplement, 1972".

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 334. Bracketed until January 25 at the request of Mr. Cavanaugh.

LEGISLATIVE BILL 610. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 695. Title read. Considered.

Standing Committee amendment found in the Journal on page 271 for the Tenth Day was adopted.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

NOTICE OF COMMITTEE HEARINGS

Education

LB 798	Monday, January 28, 1974	2:00 p.m.
LB 849	Monday, January 28, 1974	2:00 p.m.
LB 857	Monday, January 28, 1974	2:00 p.m.
LB 885	Tuesday, January 29, 1974	2:00 p.m.
LB 927	Tuesday, January 29, 1974	2:00 p.m.
LB 958	Tuesday, January 29, 1974	2:00 p.m.
LB 615	Monday, February 4, 1974	2:00 p.m.
LB 813	Monday, February 4, 1974	2:00 p.m.
LB 852	Monday, February 4, 1974	2:00 p.m.
LB 853	Monday, February 4, 1974	2:00 p.m.
LB 838	Tuesday, February 5, 1974	2:00 p.m.
LB 856	Tuesday, February 5, 1974	2:00 p.m.
LB 862	Tuesday, February 5, 1974	2:00 p.m.
LB 911	Tuesday, February 5, 1974	2:00 p.m.
LB 899	Monday, February 11, 1974	2:00 p.m.
LB 900	Monday, February 11, 1974	2:00 p.m.
LB 901	Monday, February 11, 1974	2:00 p.m.
LB 902	Monday, February 11, 1974	2:00 p.m.
LB 810	Tuesday, February 12, 1974	2:00 p.m.
LB 847	Tuesday, February 12, 1974	2:00 p.m.
LB 863	Tuesday, February 12, 1974	2:00 p.m.

(Signed) Jerome Warner, Chairman

Judiciary

LB 740	Cancelled Tuesday, January 29, 1974	2:00 p.m.
LB 793	Wednesday, February 6, 1974	2:00 p.m.
LB 936	Wednesday, January 23, 1974	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
977	Pub. Hlth & Wel.	980	Urban Affairs
978	Misc. Subjects	981	Misc. Subjects
979	Urban Affairs		

(Signed) Terry Carpenter, Chairman

ANNOUNCEMENT

Mr. Marvel asked the Clerk to announce that Ms. Nan Graf from Nebraska Wesleyan University will teach a Yoga Class at 8 p.m. at the South Branch YMCA, 60th & South Street beginning Monday, January 21, 1974. Register by calling Phyllis Larimore at 488-0961.

ADJOURNMENT

At 11:42 a.m., on a motion by Mr. Stull, the Legislature adjourned until 10:00 a.m., Monday, January 21, 1974.

Vincent D. Brown
Clerk of the Legislature

THIRTEENTH DAY—JANUARY 21, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 21, 1974

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Proud presiding.

PRAYER

The prayer was offered by the Chaplain.

Conscious of their sacred trust, which Thy divine providence has committed to them, these Thy servants stand now unashamed and unafraid to pray publicly for Thy grace to do their duty. The content of their prayer is a fervent plea to inspire their minds and hearts with special gifts of wisdom and understanding, of counsel and of fortitude, and impartial judgment that they may defend that which is right and fair and follow faithfully whatever is honest and true.

We pray also for our citizens that they abolish all feelings of ill will among the various classes in our social order, healing all divisions and discord and strengthening the desire for mutual benefit. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Marvel and Johnson who were excused; Mr. Schmit who was absent until 10:15 a.m. and Mr. DeCamp who was absent until 11:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was approved.

MOTIONS—Holidays

Mr. F. Lewis moved to not have session February 11, 12 and 18. The motion lost with 7 ayes, 27 nays and 15 not voting.

Mrs. Marsh moved to not have session on February 18. The motion lost with 8 ayes, 24 nays and 17 not voting.

MESSAGES FROM THE GOVERNOR

January 15, 1974

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Power Review Board:

John Shoemaker, Dannebrog - reappointed to a four year term
expiring January 1, 1978

Paul Dutton, 7389 Pacific, Omaha - appointed to a four-year term
expiring January 1, 1978

I respectfully submit these appointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

January 18, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

May I respectfully request time from your honorable body for presentation of my annual budget and State of the State Address at 10:00 a.m., Tuesday, January 22.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Epke asked unanimous consent to add his name to LB 790. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 438. Replaced on Select File as amended.
Enrollment and Review amendments to LB 438:

1. In line 4 of the Carpenter amendment 1, adopted 1/17/74, strike the period.
2. In line 1 of the Carpenter amendment 2, adopted 1/17/74, strike "Strike" and insert "In new section 2 strike"; in line 3 insert a comma after "permit"; and in line 9, strike "the Motor Carrier Act" and insert "sections 75-301 to 75-322".
3. Strike the Carpenter amendment 3, adopted 1/14/74; and in renumbered section 3, line 1, strike "section 75-304.01," and insert "sections 75-304.01 and 75-311,"; and in line 2 strike "is" and insert "are".
4. In the title as amended, line 2 strike "section 75-304.01" and insert "sections 75-304.01 and 75-311"; at the end of line 5 insert "to provide for the revocation of certificates or permits because of insufficient operations;"; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 17. Replaced on Select File as amended.
Enrollment and Review amendments to LB 17:

1. All amendatory matter having been removed therefrom, strike section 1 and renumber sections 2 to 6 as sections 1 to 5.
2. On page 10, line 14, strike "89-183,".
3. In the title, line 2, strike "89-183,"; and in lines 4 and 5 strike "to redefine a term;"; (Amendments are to the Final Reading bill)

LEGISLATIVE BILL 359. Placed on Select File as amended.
Enrollment and Review amendments to LB 359:

1. On page 2, line 11, insert "for agricultural use" after "designated"; and strike beginning with the comma in line 11 through line 13 and the committee amendment thereto and insert "pursuant to Chapter 14, article 4, Chapter 15, article 9, Chapter 16, article 9, Chapter 17, article 10, Chapter 18, article 13, or Chapter 23, article 1, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto."

2. In committee amendment 1, lines 5 and 6, strike “, if such special assessment is requested” and insert “if application for such special assessment is made pursuant to this act”; and in the last line strike the first period.

3. On page 4, line 6, strike the comma; in line 8 insert “of this subsection” after “(ii)”; and in line 24 strike “(1)”.

4. On page 5, strike lines 12 and 13 and insert “county assessor shall assess the land as provided in”; in line 16 strike the comma; and in line 22 strike “subsection” and insert “subdivision”.

5. On page 6, line 2, strike “or”; in line 5, strike the period and and insert “; or”; in line 9 strike the comma; and in lines 22 and 23 strike “section 6 of this act” and insert “this section”.

6. On page 7, line 1, strike “subsection” and insert “subdivision”.

Correctly Engrossed

The following bills were correctly engrossed: LR 19, 591, 593 and 595.

Correctly Enrolled

The following bills were correctly enrolled: 212 and 569.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 212, 569 and LR 105.

NOTICE OF COMMITTEE HEARING

Committee on Committees

The Committee on Committees will meet at 8:00 a.m., Tuesday, January 29, 1974, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Stanley A. Matzke - Director, Department of Administrative Services

James M. Jackson - Director, Department of Insurance

G. William Burrows - Public Welfare & Public Institutions Advisory Committee

(Signed) Ramey C. Whitney, Chairman

LABOR

LB 642	Wednesday, January 30, 1974	2:00 p.m.
LB 659	Wednesday, January 30, 1974	2:00 p.m.
LB 696	Wednesday, January 30, 1974	2:00 p.m.
LR 103	Wednesday, January 30, 1974	2:00 p.m.

(Signed) Richard Maresh, Chairman

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 599. Placed on General File.

(Signed) Loran Schmit, Chairman

Motion—Suspend Rules

Mr. Carpenter moved to suspend the rules and read the bills on Final Reading set for tomorrow. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

RESOLUTION ON FINAL READING

The following Resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 8.

WHEREAS, United States Congressmen are presently elected for two-year terms; and

WHEREAS, such terms cause Congressmen to devote much time to campaigning; and

WHEREAS, such emphasis does not allow sufficient time to acquire knowledge of the legislative process; and

WHEREAS, reduction in the number of elections would result in a tax savings; and

WHEREAS, a longer term would attract better qualified people because of greater future political possibilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature recommends to the Congress of the United States that an amendment to the United States Constitution be drafted to provide that United States Congressmen shall be elected for a term of four years, with approximately one half to be elected every two years.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 32:

Anderson	Carpenter	C. Carsten	F. Carstens	Cavanaugh
Chambers	Dickinson	Duis	Fellman	Fowler
Goodrich	Hasebroock	Keyes	Kime	Kremer
Luedtke	Mahoney	Maresh	Marsh	Moylan
Murphy	Rasmussen	Savage	Simpson	Skarda
Snyder	Stahmer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 9:

Barnett	Clark	Kennedy	F. Lewis	R. Lewis
Nore	Richendifer	Stromer	Waldron	

Not voting, 8:

Burbach	DeCamp	Epke	Johnson	Kelly
Marvel	Proud	Schmit		

A constitutional majority having voted in the affirmative, the resolution was declared passed.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 43.

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1972, relating to schools; to provide for the cost of educating certain wards of the state or any court; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	C. Carsten	F. Carstens	Chambers
Clark	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Kelly	Kennedy

Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Murphy	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Burbach	Carpenter	Cavanaugh	DeCamp	Johnson
Marvel				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 43A.

A BILL FOR AN ACT to appropriate four hundred six thousand eight hundred seventy-five dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the State Department of Education, Agency No. 13 for Program 025, to aid in carrying out the provisions of Legislative Bill 43, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebrook
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Burbach	DeCamp	Johnson	Marvel
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 162. With Emergency.

A BILL FOR AN ACT to amend section 24-339, Revised Statutes Supplement, 1972, relating to court reporters; to include reporters of separate juvenile courts; to provide a salary increase; to provide the salary, oath, and term of service of reporters of separate juvenile courts; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	Duis	Epke
Fellman	Fowler	Hasebroock	Keyes	Kime
Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Nore	Rasmussen
Savage	Schmit	Simpson	Skarda	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 5:

Goodrich	Kelly	Kennedy	R. Lewis	Snyder
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Not voting, 7:

Burbach	DeCamp	Dickinson	Johnson	Marvel
Proud	Richendifer			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 162A. With Emergency.

A BILL FOR AN ACT to appropriate one hundred fifteen thousand six hundred eight dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to District Courts, Agency No. 06 for Program 007, Court Reporters Salaries, to aid in carrying out the provisions of Legislative Bill 162, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	Duis	Epke
Fellman	Fowler	Hasebroock	Keyes	Kime
Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Nore	Rasmussen
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 4:

Dickinson	Goodrich	Kennedy	R. Lewis
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Not voting, 7:

Burbach	DeCamp	Johnson	Kelly	Marvel
Proud	Richendifer			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 306.

A BILL FOR AN ACT to amend section 79-2103, Reissue Revised Statutes of Nebraska, 1943, relating to educational television; to provide for a library of historical figures and proceedings of the Legislature; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	Dickinson	Duis
Fellman	Fowler	Goodrich	Hasebroock	Kelly
Kennedy	Keyes	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Murphy	Nore

Proud	Rasmussen	Savage	Schmit	Simpson
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Burbach	DeCamp	Epke	Johnson	Kime
Mahoney	Marvel	Moylan	Richendifer	Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 306A.

A BILL FOR AN ACT to appropriate eighteen thousand four hundred twenty dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Educational Television Commission, Agency No. 47 for Program 533, Educational Television, to aid in carrying out the provisions of Legislative Bill 306, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Burbach	DeCamp	Johnson	Mahoney	Marvel
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 377.

A BILL FOR AN ACT to amend section 23-122, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to provide for publishing salary claims allowed by the county board; to provide for publishing salary changes and the hiring of new employees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Anderson	Barnett	Carpenter	F. Carstens	Cavanaugh
Chambers	Clark	Dickinson	Duis	Epke
Fellman	Fowler	Hasebrook	Kelly	Kennedy
Keyes	Kremer	F. Lewis	Luedtke	Marsh
Moylan	Murphy	Richendifer	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 7:

C. Carsten	Goodrich	Maresh	Nore	Proud
Rasmussen	Waldron			

Not voting, 8:

Burbach	DeCamp	Johnson	Kime	R. Lewis
Mahoney	Marvel	Savage		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 506.

A BILL FOR AN ACT to amend sections 81-8,266 and 81-8,267, Revised Statutes Supplement, 1972, relating to the Commission on Mexican-Americans; to provide for meetings at least twelve times a year; to increase compensation; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	Luedtke	Maresh	Marsh	Moylan
Murphy	Nore	Proud	Rasmussen	Richendifer
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Burbach	DeCamp	Johnson	R. Lewis	Mahoney
Marvel	Savage			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 506A.

A BILL FOR AN ACT to appropriate five thousand six hundred fifty-two dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Commission on Mexican-Americans, Agency No. 68 for Program 537, Mexican-American Commission, to aid in carrying out the provisions of Legislative Bill 506, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Burbach	DeCamp	Johnson	Marvel	Simpson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 565.

A BILL FOR AN ACT relating to navigable streams; to authorize the people of the state to have access by boat to any cutoff, chute, backwater, or bayou connected with any navigable stream in Nebraska as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Barnett	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	Fellman	Fowler	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Murphy	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 3:

Duis	Epke	Nore
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Not voting, 6:

Burbach	Carpenter	DeCamp	Dickinson	Johnson
Marvel				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 590. With Emergency.

A BILL FOR AN ACT to amend section 39-7,128, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to correct internal references in harmony with previous legislation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson	Barnett	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Moylan
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Burbach	Carpenter	DeCamp	Johnson	Mahoney
Marvel	Murphy			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 594.

A BILL FOR AN ACT to amend section 38-629, Revised Statutes Supplement, 1972, relating to guardians' sales; to change the provisions for approval of the bond of the guardian; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Goodrich	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Murphy	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Burbach	DeCamp	Fowler	Hasebroock	Johnson
Marvel				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 596.

A BILL FOR AN ACT to amend section 84-120, Reissue Revised Statutes of Nebraska, 1943, relating to the Governor; to provide for the persons in succession to the office of Governor; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Murphy	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney			

Voting in the negative, 0.

Not voting, 7:

Burbach	Carpenter	DeCamp	Hasebroock	Johnson
Marvel	Wiltse			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 106.

Introduced by Maresh, 32nd District; Anderson, 37th District; Barnett, 26th District; Burbach, 19th District; Carpenter, 48th District; C. Carsten,

2nd District; F. Carstens, 30th District; Cavanaugh, 9th District; Chambers, 11th District; Clark, 47th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Epke, 24th District; Fellman, 4th District; Fowler, 27th District; Goodrich, 20th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Kime, 43rd District; Kremer, 34th District; F. Lewis, 45th District; R. Lewis, 38th District; Luedtke, 28th District; Mahoney, 5th District; Marsh, 29th District; Marvel, 33rd District; Moylan, 6th District; Murphy, 17th District; Nore, 22nd District; Proud, 12th District; Rasmussen, 41st District; Richendifer, 16th District; Savage, 10th District; Schmit, 23rd District; Simpson, 46th District; Skarda, 7th District; Snyder, 14th District; Stahmer, 8th District; Stromer, 36th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Warner, 25th District; Whitney, 44th District; Wiltse, 1st District.

WHEREAS, it is the avowed purpose of the Legislature to promote a better understanding of the heritage of our state and its citizens; and

WHEREAS, the history of the frontier and its settlement is of great significance to the people of the state and nation; and

WHEREAS, Sgt. Leodegar Schnyder was enlisted in the United States Army from 1837 until 1890 and holds the longevity record for noncommissioned officer service in the army, fifty-three years; and

WHEREAS, Sgt. Schnyder served his nation with great honor and dignity and lies interred at Tobias, Nebraska; and

WHEREAS, the Nebraska State Historical Society has recognized Sgt. Schnyder's contribution to the country by erecting a marker near Tobias, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That it would be fitting for a commemorative stamp to be issued honoring Sgt. Schnyder for his years of service, his sense of duty, and his love for the country he adopted as his own.

2. That a copy of this resolution be forwarded to the Postmaster General of the United States as a formal request for the issuance of such a commemorative stamp.

BILLS ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 432A. By Whitney, 44th District.

A BILL FOR AN ACT to appropriate ninety-four thousand nine hundred sixty-five dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the State Department of Education, Agency No.

13 for Program 401, Nebraska School for the Deaf, to aid in carrying out the provisions of Legislative Bill 432, Eighty-third Legislature, Second Session, 1974.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 126
January 18, 1974

Dear Senator R. Lewis:

You have inquired whether the amendment to LB 490 might jeopardize the federal share of the funding in the Highway Beautification Act. The amendment, so to speak, covers two areas. The first would, under the Kremer amendment, have the state pay disconnect costs to electrical suppliers. While this is an additional item of compensation not covered by the federal act, it is our opinion that this portion of the amendment would only be considered a non-participating item. In other words, these disconnect costs would be paid with 100% state funds, but this payment would not endanger other federal participation which is covered under the federal act.

The second portion of the Kremer amendment, in our opinion, merely makes the permit or licensing provision discretionary with the Department of Roads, rather than mandatory. We believe this would have no impact on federal funding.

The only other subject covered by either the committee amendment or the Kremer amendment is Section 3 of the committee amendment, which lessens the penalty for violation of the act. It is not believed that this will have any impact on federal funding.

Very truly yours,
CLARENCE A. H. MEYER
Attorney General

(Signed) Warren D. Lichty, Jr.
Assistant Attorney General

WDL/sks
cc: Vincent D. Brown

Opinion No. 127
January 21, 1974

Dear Mr. Brown:

On January 15 you sent us a copy of a motion passed that day by the Legislature under the terms of which we were requested to file, as soon as possible, an original action in the Supreme Court to determine the validity,

"under the Constitution of Nebraska and the United States" of an amendment to our state constitution adopted in 1972 by the voters of Nebraska. That amendment, to Article IV, section 1, provided: "In the general election one vote shall be cast jointly for the Governor and Lieutenant Governor nominated by the same party."

We note that the motion asks us to file such an action as soon as possible. We do not believe it is possible to successfully initiate such an action at this time.

Courts will not determine questions unless there is some existing justiciable issue involving the constitutional question upon which their views are sought. No such justiciable issue presently exists in this case. Sometimes it is possible to contrive a situation which would make it possible to bring an issue before a court, and in this connection we have given serious thought to bringing an action against the Secretary of State in some fashion, since his connection with election matters makes him the only logical defendant at this point. However, we do not feel that this approach is presently feasible.

It must be kept in mind that we have not been asked to attack a statute. The motion asks us to attack a part of the Constitution itself. The part we are asked to challenge could be void under the state and federal constitutions only if our Court should adopt a strained interpretation of the language of the amendment; that is, they would have to hold that its language prohibits petition candidates for the offices of Governor and Lieutenant Governor. It does not do that. As we pointed out in our December 26 letter to Senator Chambers, our Legislature can pass any kind of law on any subject unless there is specific language in the state or federal constitution prohibiting it, and there is nothing in this amendment which bars the Legislature from completing its work of implementing the constitutional amendment adopted by the people, by adopting a procedure for petition candidacies for the offices of Governor and Lieutenant Governor.

Other factors have also influenced our decision that this is not the proper time to bring an action. For one thing, a final determination could not be had before the present short session of the Legislature adjourns. Therefore, regardless of the outcome of the litigation, it would mean a special session some time this summer before the general election ballots are made up.

Although there were many factors influencing our decision, it must also be pointed out that there are bills now pending before the Legislature which would correct the procedural deficiencies set forth in our earlier letter to Senator Chambers, and the Court could very well take the position that a lawsuit was prematurely brought so long as the Legislature remains in session and thus capable of correcting apparent omissions in existing laws.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:dnj

RESOLUTIONS

LEGISLATIVE RESOLUTION 107.

Introduced by Stomer, 36th District.

WHEREAS, the intent of Title XI of the Organized Crime Control Act of 1970 (PL-452) was the deterrence and punishment of terrorist bombers, and not excessive restriction of those who use antique firearms for legitimate purposes; and

WHEREAS, the present restrictions on ammunition components for antique firearms impose excessive restrictions on honest Nebraska citizens without placing any real corresponding burdens on potential bombers; and

WHEREAS, Title XI uses only the generic term blackpowder, but does not differentiate between shooting propellants and other substances commonly referred to by that name; and

WHEREAS, commercially manufactured blackpowder propellant is the only propellant which can be used in firearms of antique design, different sized granulations of this propellant are required when using antique rifles, pistols, and cannons; and

WHEREAS, thousands of Americans and Nebraskans use blackpowder firearms for historically oriented recreation, including: formal and informal target shooting, hunting, historical reenactments and demonstrations, and cultural events, blackpowder propellant is also used for research and for life-saving devices; and

WHEREAS, it is significant to note that the problems faced by legitimate users of blackpowder shooting propellant will have a serious impact on historical reenactments, pageants, and shooting matches to be held in conjunction with the forthcoming celebration of the Bi-Centennial of the American Revolution; and

WHEREAS, the popular myth that blackpowder is widely used for the making of terrorist bombs prompted its inclusion in Title XI. Evidence obtained from the Bomb Data Center of the International Association of Chiefs of Police thoroughly refutes this incorrect and greatly exaggerated assumption. In an eighteen month study, their data show the use of blackpowder to be only one hundred forty-nine out of nearly four thousand bomb devices; and

WHEREAS, in July, 1973, the Senate acted to provide relief for legitimate users of blackpowder propellant by passing Senate Bill 1083 by a margin of 78-8; and

WHEREAS, the irony of the present law is that it restricts only the honest Nebraska citizen.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. We encourage the Judiciary Committee of the United States House of Representatives and the House of Representatives to pass House Roll 1901 which is essentially the same bill passed by the Senate because: (1) It

removes a present exemption for homemade blackpowder, (2) it removes a bomber's exemption, and (3) it will remove the present and unreasonable burdens from the legitimate Nebraska users of blackpowder propellant and it will substantially strengthen the organized crime control acts of 1970.

2. That copies of this resolution be forwarded to the Judiciary Committee of the United States House of Representatives and the members of the Nebraska Congressional delegation.

SELECT FILE

LEGISLATIVE BILL 104. E & R amendments found in the Journal on page 218 for the Eighth Day were adopted.

Mr. Syas offered the foilowing amendment, which was adopted with 25 ayes, 5 nays and 19 not voting.

1. Amend Standing Committee amendment 1, by adding after "income" in the last line the following: "as defined by the Legislature".

The Syas pending amendment No. 1 found in the Journal on page 313 for the Twelfth Day was adopted with 25 ayes, 1 nay and 23 not voting.

The Syas pending amendment No. 2 found in the Journal on page 313 for the Twelfth Day was adopted with 25 ayes, 4 nays and 20 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 66. E & R amendments found in the Journal on page 311 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 396. E & R amendments found in the Journal on page 311 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Reconsider Action

Mr. Chambers renewed his pending motion, found in the Journal on page 316 for the Twelfth Day, to reconsider action on overriding the Governor's veto on LB 217.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 21:

Anderson	Barnett	Carpenter	F. Carstens	Cavanaugh
Chambers	Fowler	Kelly	R. Lewis	Luedtke

Mahoney	Maresh	Marsh	Nore	Proud
Rasmussen	Simpson	Skarda	Stahmer	Waldron
Warner				

Voting in the negative, 18:

C. Carsten	Clark	Dickinson	Epke	Goodrich
Hasebroock	Kennedy	Keyes	F. Lewis	Moylan
Murphy	Savage	Snyder	Stromer	Stull
Syas	Whitney	Wiltse		

Not voting, 10:

Burbach	DeCamp	Duis	Fellman	Johnson
Kime	Kremer	Marvel	Richendifer	Schmit

The motion lost with 21 ayes, 18 nays and 10 not voting.

STANDING COMMITTEE REPORT

Public Works

LEGISLATIVE BILL 653. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

NOTICE OF COMMITTEE HEARINGS

Public Health and Welfare

LB 903	Monday, February 11, 1974	2:00 p.m.
LB 930	Monday, February 11, 1974	2:00 p.m.
LB 939	Monday, February 11, 1974	2:00 p.m.
LB 953	Monday, February 18, 1974	2:00 p.m.
LB 957	Monday, February 18, 1974	2:00 p.m.
LB 961	Monday, February 18, 1974	2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 108.

Introduced by Moylan, 6th District.

WHEREAS, the State of Nebraska provides a vast number of services for its citizens; and

WHEREAS, it is the duty of the Legislature to determine services required, statewide goals, and program priorities; and

WHEREAS, it has become increasingly difficult to determine the conditions and problems pertaining to the employment, health, financial status, recreation, social adjustment and the general welfare of the aging of the state; and

WHEREAS, the complexity of issues has made it difficult to coordinate state and local agencies serving the aging; and

WHEREAS, there is a need for a central agency for the mutual exchange of ideas and information and a need to keep informed of the latest developments of research, studies, and programs conducted on the problems and needs of the aging.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee be appointed to undertake an interim study to consider the advantages of establishing a State Department or Division on Aging.

2. That such a study include a review of the need for coordination of the various state and local agencies serving the aging.

3. That the committee at the conclusion of such study make a report of its findings and propose appropriate legislation for providing any resources needed to promote the general welfare of the aging and for increasing the efficacy of any existing services.

Referred to the Executive Board of the Legislative Council.

GENERAL FILE

LEGISLATIVE BILL 288. Title read. Considered.

Mr. DeCamp offered the following amendment:

Strike the original bill and insert attached amendment:

Section 1. That at the general election in November, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 24, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 24. The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise where the consideration for a chance to participate involves the payment of money for the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time; Provided, that it may authorize and regulate other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community

betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises; and provided further, the Legislature may authorize the conduct of state lotteries restricted to the selling of rights to participate therein and the awarding of prizes by drawings when the entire net proceeds of any such lottery shall be for the state General Fund. Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the parimutuel or certificate method, when conducted by licensees within the race track enclosure at licensed horse race meetings, or to prohibit the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license; Provided, bingo games cannot be conducted by agents or lessees of such associations on a percentage basis."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"an act for submission to the electors of an amendment to Article III, section 24, of the Constitution of Nebraska, relating to lotteries; to permit the Legislature to authorize the conduct of state lotteries with net proceeds to be paid into the state General Fund.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

The amendment lost with 17 ayes, 21 nays and 11 not voting.

Mr. Rasmussen moved to indefinitely postpone LB 288. The motion prevailed with 24 ayes, 14 nays and 11 not voting.

LEGISLATIVE BILL 48. Considered

Mr. Stahmer moved to indefinitely postpone. The motion prevailed with 31 ayes, 5 nays and 13 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Simpson asked unanimous consent to bracket LB 293 on General File for Tuesday, January 22 and print the following amendments in the Journal. No objections. So ordered.

1. On page 4, line 12, strike "district, county," and insert "county".

2. On page 11, line 26 and 27, strike "and not more than three months' periodic rent".

3. On page 13, line 9, insert "person" after "The".

4. On page 20, line 7, strike "on" and insert "or".

5. On page 32, line 13, insert "answered and" after "be"; in line 18, insert "of the action for possession, answer day for other causes of action, and" after "trial".

6. In committee amendment 17, line 6, insert "of the action for possession" after "trial".

7. On page 33, line 10, insert "on the date or dates set" after "had"; and in line 20, strike "to the district court,".

UNANIMOUS CONSENT—Re-refer Bills

Mr. Chambers asked unanimous consent to re-refer election bills 899, 900, 901 and 902 from the Education Committee to Government, Military and Veteran's Affairs Committee.

Mr. Syas objected.

Mr. Chambers moved to re-refer the bills. The motion lost with 14 ayes, 15 nays and 20 not voting.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 932	Friday, February 1, 1974	2:00 p.m.
LB 933	Friday, February 1, 1974	2:00 p.m.
LB 760	Friday, February 1, 1974	2:00 p.m.
LB 627	Thursday, February 7, 1974	2:00 p.m.
LB 706	Thursday, February 7, 1974	2:00 p.m.
LB 619	Thursday, February 7, 1974	2:00 p.m.
LB 891	Friday, February 8, 1974	2:00 p.m.
LB 800	Friday, February 8, 1974	2:00 p.m.
LB 846	Thursday, February 14, 1974	2:00 p.m.
LB 644	Thursday, February 14, 1974	2:00 p.m.
LB 648	Thursday, February 14, 1974	2:00 p.m.

(Signed) George Syas, Chairman

UNANIMOUS CONSENT—Bracket LB 502

Mr. Luedtke asked unanimous consent to bracket LB 502 on General File. No objections. So ordered.

VISITORS

Speaker Proud introduced 30 Girl Scouts from Cadet troops 8 and 28, Logan Fontenelle Jr. High, Bellevue. Trudy Lewis, daughter of Frank Lewis was in the group.

ADJOURNMENT

At 12:10 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 9:00 a.m., Tuesday, January 22, 1974.

Vincent D. Brown
Clerk of the Legislature

FOURTEENTH DAY—JANUARY 22, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 22, 1974

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

O Lord, our God, we pray for ourselves and for: — those who are faced by tasks too great for their powers; — those who stand in any valley of decision; — those who are in too much debt or poverty; — those who are suffering the consequences of misdeeds long ago repented of; — those who by reasons of early surroundings have never had a fair chance in life; — those whose family circles are broken by death or other causes beyond their control; — and those who lift high the lamp of truth and service in lonely places.

Make us human channels, through which Thy love and grace may reach the hearts and lives of those who are nearest to us. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Fellman and Stahmer who were excused; Mr. Waldron, excused until 10:30 a.m.; Mr. Warner, excused until he arrives; Mr. F. Carstens absent until 11:00 a.m. and Mr. Richendifer who was absent.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

MESSAGE FROM THE GOVERNOR

January 21, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 7, 389, and 567.

These bills were signed by me on January 21, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

COMMUNICATIONS

Nebraska Educational Television Network
January 14, 1974

Mr. Vincent Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

On May 11, 1973 the Nebraska Legislature considered and adopted a motion urging the Nebraska ETV Commission to study reception problems and to develop a plan for improvement of public television reception in Nebraska.

Throughout the summer and fall Nebraska ETV Network engineering staff in association with the consulting firm of Grobowski and Associates, Washington, D.C., collected detailed study data on public television reception problems in Nebraska. That data is summarized in the attached report from Grobowski and Associates and the Nebraska ETV Commission Recommendations for the Improvement of Public Television Reception in Nebraska.

In response to the Legislative Motion of May 11, 1973, the Nebraska ETV Commission adopted the attached recommendations on January 9, 1974. The recommendations are listed in order of anticipated population to be served by these improvements. Although the Commission did not wish to grant any priority to the 14 recommendations, the motion adopting the report did call attention to the fact that the improvements listed for the Omaha area did affect a significantly large population concentration.

It is anticipated that federal funding (up to the maximum of 75% of eligible construction costs) might be obtained through the Educational Broadcasting Facilities Program of the Department of Health, Education and Welfare. Application for federal participation can be made immediately upon approval of the project at the local level. The delay between application for federal funding and the announcement of the grant award by HEW has recently been as long as two years.

In the current budget request before the Legislature the Nebraska ETV Commission has requested \$24,500 for translator installations and \$90,000 for matching funds for other improvements growing out of the reception study. These requests were necessarily made before the study was complete and the total fiscal impact for the project was known. Since \$114,500 has already been requested in the above two items only \$129,625 of additional funds will need to be allocated to provide the total \$244,125 state share.

Should it be the desire of the Legislature that these additional facilities be constructed the Commission stands ready to make application to HEW for federal participation and ultimately to build and activate the service.

Sincerely,

(Signed) Jack McBride
Secretary

cc: Honorable Terry Carpenter
James M. McGaffin, Jr.

Report on file in Clerk's office.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 396. Replaced on Select File as amended.
E & R amendment to LB 396:

1. In the Mahoney amendment 3, line 2, strike
"72-1246" and insert "72-1240, 72-1246,".

LEGISLATIVE BILL 92. Placed on Select File as amended.
E & R amendments to LB 92:

1. Insert the new section added by the
substitute committee amendment as section 2 and renumber
original sections 2 and 3 as sections 3 and 4.

2. In lieu of the Barnett amendment on page 3,
line 22, insert an underscored period after "enrolled"
and strike the rest of the sentence, showing old matter
as stricken.

3. On page 5, line 13, insert “, and section 43-611, Revised Statutes Supplement, 1973” after “1972”.

4. In the title, line 3, insert “, and section 43-611, Revised Statutes Supplement, 1973” after “1972”; and strike beginning with “to” in line 5 through the semicolon in line 7 and insert “to change allowances for transportation expense; to eliminate a restriction on the number of trips;”.

LEGISLATIVE BILL 610. Placed on Select File.

LEGISLATIVE BILL 695. Placed on Select File as amended.
E & R amendments to LB 695:

1. On page 2, line 21, strike “and” and insert “and”.

2. In the title, line 6, insert “, sickness” after “life”.

(Signed) John J. Cavanaugh, Chairman

NOTICE OF COMMITTEE HEARINGS Revenue

LB 906	Monday, February 11, 1974	2:00 p.m.
LB 969	Monday, February 11, 1974	2:00 p.m.
LB 971	Monday, February 11, 1974	2:00 p.m.
LB 917	Tuesday, February 12, 1974	2:00 p.m.
LB 918	Tuesday, February 12, 1974	2:00 p.m.
LB 924	Tuesday, February 12, 1974	2:00 p.m.
LB 914	Wednesday, February 13, 1974	2:00 p.m.
LB 942	Wednesday, February 13, 1974	2:00 p.m.
LB 943	Wednesday, February 13, 1974	2:00 p.m.
LB 928	Monday, February 18, 1974	2:00 p.m.
LB 931	Monday, February 18, 1974	2:00 p.m.
LB 959	Monday, February 18, 1974	2:00 p.m.

(Signed) J. W. Burbach, Chairman

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules for the introduction of two new bills by the Committee on Miscellaneous Subjects. (Reqs. 1042 and 1047)
The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 982. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Murphy, 17th District; F. Lewis, 45th District; Carpenter, 48th District; Mahoney, 5th District; Cavanaugh, 9th District; Luedtke, 28th District.

A BILL FOR AN ACT relating to colleges and universities; to provide for a tuition credit for all members of the Nebraska National Guard upon enrollment in any state university, college, or vocational or technical training school in the State of Nebraska.

LEGISLATIVE BILL 983. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Murphy, 17th District; F. Lewis, 45th District; Cavanaugh, 9th District; Carpenter, 48th District; Mahoney, 5th District; Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 55-106, 55-117, 55-120, 55-121, 55-125, and 55-159, Revised Statutes Supplement, 1972, relating to the National Guard; to change what persons shall be subject to duty in the National Guard; to provide for the occasion when the Governor may by proclamation order the enrollment for active service in the National Guard; to change the name of the Adjutant General's department; to change rank for Adjutant General, one deputy adjutant general, one assistant adjutant general or chief of staff for Air National Guard; to provide for the salary of the Adjutant General; to provide qualifications for assistants of the Adjutant General; to change the procedure for benefits because of injury or death while on active duty; and to repeal the original sections.

SELECT FILE

LEGISLATIVE BILL 438. E & R amendments found in the Journal on page 329 for the Thirteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 17. E & R amendments found in the Journal on page 329 for the Thirteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 359. E & R amendments found in the Journal on page 329 for the Thirteenth Day were adopted.

Advanced to E & R for Engrossment

MOTION—Return LB 595 to Select File

Mr. Carpenter moved to return LB 595 to Select File for the following specific amendment:

1. On page 2 line 13 after "General;" insert "twelve copies to the Tax Commissioner;".
2. On page 3 line 20 strike "the Tax Commissioner," and show as stricken.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 595. The Carpenter specific amendments found in this day's Journal were adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 438 to Select File

Mr. Carpenter moved to return LB 438 to Select File for the following specific amendment:

Add the emergency clause.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 438. The Carpenter specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

PRESENTED TO GOVERNOR

Presented to the Governor for approval on January 22, 1974, at 9:10 a.m., were the following: LB 212 and LB 569.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review**Correctly Engrossed**

The following bills were correctly engrossed: 66 and 104.

Correctly Enrolled

The following bills were correctly enrolled: LR 8, 43, 43A, 162, 162A, 306, 306A, 377, 506, 506A, 565, 590, 594 and 596.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 43, 43A, 162, 162A, 306, 306A, 377, 506, 506A, 565, 590, 594, 596, LR 8 and LR 95.

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE BILL 699. Placed on General File as amended.
Standing Committee amendments to LB 699:

1. On page 2, line 4 strike "wildlife or fish" and show as stricken and insert "predatory animal".
2. On page 2, line 5 strike the added period and reinstate the stricken matter.
3. On page 2, line 6 reinstate "designated for such" and immediately thereafter insert "purpose.".

(Signed) Gary L. Anderson, Vice-Chairman

ANNOUNCEMENT

Mr. Mahoney announced that on September 9, Senator Clark was appointed Chairman of the Justice and Law Enforcement Committee at the Midwest Conference of 12 States.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 702	Wednesday, January 30, 1974	2:00 p.m.
LB 875	Wednesday, January 30, 1974	2:00 p.m.
LB 879	Wednesday, January 30, 1974	2:00 p.m.

LB 713	Wednesday, February 6, 1974	2:00 p.m.
LB 768	Wednesday, February 6, 1974	2:00 p.m.
LB 780	Wednesday, February 6, 1974	2:00 p.m.
LB 979	Wednesday, February 6, 1974	2:00 p.m.
LB 980	Wednesday, February 6, 1974	2:00 p.m.

(Signed) Duke Snyder, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Whitney asked unanimous consent to consider LB 432A on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 432A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 568. Considered.

Mr. Murphy offered the following amendment:

No person who issues counterfeit money in an amount less than \$1,000.00 shall be charged as a felon.

The amendment lost with 9 ayes, 17 nays and 23 not voting.

Mr. Goodrich offered the following amendment:

To reduce the 1 year accumulation period to 90 days thru out the bill.

The amendment lost with 9 ayes, 12 nays and 28 not voting.

Mr. DeCamp moved to indefinitely postpone. Motion pending.

Committee to Escort Governor

The President appointed Messrs. Barnett, Burbach, Schmit, DeCamp and Nore to escort Governor J. James Exon to the rostrum where he delivered the following budget message:

Mr. President, Mr. Speaker, Members of the Legislature, Ladies and Gentlemen:

Thank you for allowing me the time this morning to present the Governor's annual budget and State of the State message.

For the fourth consecutive year, I am recommending to the Legislature a balanced budget, which meets the legitimate need and the growing needs

of Nebraska, based once again upon holding the line on the equivalent of sales and income taxes that were in effect way back in 1970. That, in itself, is a record of holding down state taxation increases.

During the last three sessions, I have employed the executive veto when the legislative enactment of spending measures threatened or would have raised those established tax rates. I emphasize today that I will not hesitate to again so act should the Legislature pass bills that reach my desk which violates those rates. It has been my position that we should make every effort to limit increased appropriations caused by serious inflationary pressures on state government and new authorizations to the growth in those prevailing rates.

In this regard, so that we may act responsibly and on a sound fiscal basis, may I respectfully suggest that any non-emergency appropriations measures affecting state revenue or increased spending before your honorable body, including those with authorized expenditures known as "A" Bills, be bracketed until near the end of this 83rd Session, or at least until the main line budget bill has been approved. Such a course would allow us all to know exactly where we are going and how much it is going to cost Nebraska taxpayers to get there. The increased popularity of "A" Bills in the Legislature has the undesirable effect, I suggest, of circumventing the thoughtful and more deliberate "total over-view" budget making processes that I refer to as total over view and this impedes and disrupts what I refer to the budget making process.

When I entered the Chambers this morning, I delivered my 1974-75 budget recommendations in bill form to the President, and request its introduction. Now let me emphasize this is not presented as a perfect document, but one that meets what I consider to be responsible suggestions for your careful consideration as you proceed with the most important duty of this or any other session, that of appropriations to meet the financial needs of this state. To be sure, that recommendation means that you will have to muster the political courage. Yes, even during an election year. To reverse the ill-advised and fiscally irresponsible action of the majority of the State Board of Equalization last November 15th, over my strenuous and detailed objections and warnings of that time. We have a state to run, and must meet not only our on-going appropriations, but long-range appropriations previously committed by your body such as homestead and personal property tax exemptions. As responsible senators, I urge you to join with your Governor and your own fiscal and budget staffs in meeting the most obvious need of holding the line of 13% of federal liability for the state income tax. I remind you that this matter is in your hands. This is surely a time to put aside any hints of partisanship.

The question then is not who gets the credit or blame. This is a time for doing what is right for Nebraska, and to keep our state fiscally sound while meeting our legitimate obligations. History will certainly show whether you acted with courage or fell back and joined a very few of your colleagues, the Secretary of State, the State Auditor, and the State

Treasurer in their less than courageous attitudes towards state needs. I have always emphasized good government with a sound businesslike approach as opposed to political expediency. You have a clear choice.

Remember that after I voluntarily spelled out to you in a special message of April 16, 1973 the healthy financial position of the state at that time, and outlined possible tax cuts that could be taken November 15, 1973, you passed and I signed into law a special retroactive income tax cut to January 1, 1973. With that action, we used up any balance which could have been employed to reduce taxes again last November for calendar 1974, with that action we used up those policies. This I pointed out in my message to you of May 30, 1973. You see, we could not have our cake and eat it too. Most important of all, we must not allow or sanction any attempt to fool the people on taxation or adopt a yo-yo approach to rate setting in Nebraska. If you will act as I have requested, we can hold the line on the state tax rates not only for this year but for calendar 1975 as well. This is a realistic approach.

Now, please hear this and hear it loud and clear. If you appropriate funds for reasonable state needs generally as I am recommending, and in so doing fail to reverse the majority action of the State Board of Equalization, which will impair and interrupt normal and reasonable cash flows, you and the majority of the board could be dictating the possibility of sizeable tax increases this November for collection next year. Because of our requirement that one half of our revenues must be raised by the sales and the other half from the income tax, both taxes might have to be raised dramatically to maintain the fiscal stability of this state. Your Governor, the people, and I suspect the Legislature are unalterably opposed to such tax increases. I caution you that stabilizing or down barometers of economic expansion are predicted by economists and by the Bureau of Business Research at the University of Nebraska.

Please note my budget recommendations reflect a \$62.9 million or 19% cut from total agency requests as submitted.

In reviewing the executive budget, you will find that we have recommended a total of \$150.7 million, or 47% of the total state tax receipts and expenditures, for state aid and assistance to local governments. This category is necessarily up \$22 million, or 17%, over last year. You will note also that nearly one half of all state tax receipts are for other than direct operations to state government. Such assistance is helpful in allowing local governments to meet their obligations and reduce local real and personal property taxes.

Let me alert you to a hoax regarding taxation that is being considered by some. This embodies reducing the state aid and thereby the property tax relief by the amount necessary to cover the tracks of the irresponsible action of the majority of the State Board of Equalization. The gimmick here would be to shift this previous state obligation back to the local school districts and their taxpayers. If such tactics are employed this would cause an increase in mill levies and taxes clear across this state next year.

Within the total operating budget of \$679.3 million, including \$278.1 million in state General Fund monies, you will find in my recommendations, among other, the following:

1. Continuation of the additional \$20 million in state aid to education and property tax relief that I recommended and you accepted as per my recommendation last year. I call again for a reasonable spending lid on school districts that use these additional funds. This will assure continuation of the basic state aid to education at \$55 million.

2. In addition, increasing aid to special education funding by \$4.5 million for a total of \$8.8 million, compared to \$4.3 million last year, so that we may fund LB 403 to assist the handicapped. Items one and two then total over \$63.8 million, the recommended total state aid to education and accompanying property tax relief at the local level.

3. Continued state funding of homestead exemptions, as scheduled, of \$12.5 million; personal property exemptions, as scheduled, of \$13.5 million which is treated as a reduction in revenues.

4. Additional funding to the lower bracket ADC recipients who have been hit indeed by runaway inflation. For example, each mother and one child would receive monthly basic payments from the current maximums of \$124 to \$165 per month, which meets 80% of current established needs. This will require an additional \$1.5 million in General Fund monies.

5. With inflation also hitting hard at our dedicated state employees, I am recommending an additional \$4.7 million for funding of the state pay plan established last year which represents a 6.5% increase.

6. We have presented a well documented and carefully thought out program for the state colleges. This will require additional expenditures of one million dollars over last year, which is an approximate 12% increase.

7. Our recently established state system of technical community colleges requires more funding of \$1 million over last year, again for an average increase of 12%.

8. For the university system, I will appoint a committee to determine exactly how well our university compares as to funding with other schools in the Big 8. I have reduced their requests of \$13.3 million over last year's expenditures, which represents a 27% increase, down to \$7.8 million which is a 15% increase. Here we have recognized a substantial loss in federal funds at the university that was not experienced at other colleges. We have also allowed a \$500,000 increase for new agricultural research and development that will be a benefit to the entire state.

9. We must do even more in community based mental retardation programs where we are already considered national leaders. I am recommending an additional \$700,000 or a 45% increase over last year. Likewise, we are phasing in additional community mental health services.

10. We have been moving aggressively on penal reform, and again are asking your consideration for a four-year phased capital construction approach. I concur with our penal experts in their recommendation of \$3.2 million for necessary capital construction starts and expanded

programs for fiscal 1974-75. This includes 48 new probation and parole officials as requested by the District Court System.

Now, to meet the restraints of the hold-the-line policy as I recommend, to 2½ sales and 13% income tax, we now come to the Capital Construction portion of the executive budget. Based on \$278.1 million for operations and our minimum reserves as prescribed by law, I am suggesting the totals of all funds for Capital Construction of \$19 million for fiscal 1974-75.

This includes an additional \$600,000 for next year's installment on the combined diagnostic and veterinary services facility on the Ag Campus that has now been established at an eventual cost of \$6.3 million. Similarly, we are recognizing the needs of a life science facility at the Lincoln Campus, and are recommending an additional \$950,000 as a new appropriation. This keeps both of these projects on schedule.

The Agriculture School at Curtis and other out-state facilities of the University at North Platte and Clay Center should receive a total of \$765,000 for construction and renovation.

The Omaha campus must have \$2.1 million for central utilities and other priority needs. The medical center is allowed \$2.3 million for their construction in fiscal 1974-75.

Air conditioning in patient areas at various state centers will demand \$510,000 if we are really concerned about people oriented programs.

Specific improvements at the Hastings Regional Center of \$25,000 and at the Norfolk Center of \$100,000, primarily for Veterans' Facilities, are well documented and are necessary.

We suggest \$650,000 to initiate an eventual new 150 bed veterans' facility at Scottsbluff.

Four additional cottages at the Beatrice State Home should be constructed at a cost of \$550,000.

The Cozad school for the handicapped is in need of \$286,000 for a school/residential structure.

Continuance of the state aid to political subdivisions in assisting Nebraska Communities in their development of outdoor recreation and the first phase of the Papio Creek development project will require a total of \$928,000.

To enhance our state parks, we are recognizing needs totaling \$326,000 for next year only.

The budget document details other specific and other important areas of other high priority construction, renovation and repairs.

While there are many other important programs that I could discuss in detail today, which are equally deserving of our attention, I have touched only on some of the highlights of my detailed recommendations contained in the budget bill that is available to you this morning.

Before I take leave of the budget, let me advise you of my thoughts regarding eventual final appropriations in some of the critical areas if you fail to reverse the action of the majority of the State Board of Equalization and still appropriate the approximate totals that I have recommended.

Under such circumstances unfortunate compromises would have to be made in some of the programs that I have outlined. While I feel such action would not be in the best interests of the State, they would be necessary to maintain the solvency of the state and to prevent huge future tax increases.

As your Governor, I ask your help in maintaining the present fiscally sound condition of Nebraska state government.

The continuing discussion on the clarification of the matter of petition candidates for Governor and Lieutenant Governor is totally unnecessary and suggestions for time consuming court tests are unwarranted. This issue can be effectively resolved by either of two actions, or possibly a combination of both by simple legislative action. First, the passage of the suggestion by the Attorney General in this area; and second, by placing a correction in the constitutional shortcoming before the voters in the May primary. Then one of those actions will solve this problem.

I want to tell you I thoroughly support the constitutional amendment before the Legislature to allow the people the right to vote elimination of the sales tax on food since the Legislature has consistently rebuffed my suggestions in this regard.

On the ever present debate on expansive school aid, property tax relief, and tax reform, may I suggest that we attempt to arrive at some reasonable compromise between the Legislature and the Executive. If we could agree, spell out the details, its tax costs and benefits, and then submit the measure in some form of a referendum to the voters in the general election this year, we could obtain a clear mandate from the people. Other legislatures and governors have accomplished this, and I hope you will concur that the people should be allowed to speak on this fundamental issue.

Turning now to The State of The State, it is obvious that 1973 was a good year for Nebraska by any measurement.

It was another year of unparalleled growth. Were it not for the infamous beef price freeze of last summer, all of our farmers and ranchers would have done well. Nevertheless, it was generally a good year for agriculture. We must never forget that as agriculture goes, so goes Nebraska from an economic standpoint.

1973 was another exceptional industrial expansion year. 55 new industries were established, and new industrial jobs of 4,900 were created. In the last two years, we have shattered all previous records for new industries and new industrial opportunities for our work force. Yes, Nebraska is on the move! This impetus will generate the momentum to carry us through any possible temporary setbacks better than any other state.

The vast majority of our citizens shared, as never before, last year in our proud new theme of "Nebraska . . . the Good Life." National recognition was afforded Nebraska because of our dramatic advancement among the states in the all important category of "quality of life" in recent years.

By executive decision, we are assuring a somewhat better life for our senior citizens by increasing nursing home rates to allow for inflationary costs. I also directed that the state "pass along" to our aged, blind and disabled recipients the federal funds recently made available. It was my determination that such additional benefits should rightfully go to lighten the burden of our less fortunate rather than employed to reduce the general fund support in such categories.

1973 saw us reduce highway fatalities by 53 over the previous year, and we are one of the nation's percentage leaders in reducing highway deaths. A special thanks for this accomplishment is due all and especially to the news media for their usual excellence and cooperation in bringing the message home to Nebraskans regarding highway safety.

With efficient planning and without additional bonded debt, and while not losing a single dollar in federal matching funds, we built and constructed a record \$76.1 million in road improvements and new construction. The previous year, 1972, was also a record at \$66.1 million. At the same time, we reduced by \$6 million the bonded debt and interest that was inherited by this administration. Concurrently we have let contracts that will allow Nebraska to set another record . . . the first state in the nation to complete its major interstate system this year. While we will be criticized by a few for shunning deficit financing, for a pay-as-you-go road construction program, I shall not budge from my determination not to take the all too easy, but in the long-run not so prudent road policy of spend now, pay later. Nevertheless, I again request standby authority to issue up to \$10 million in highway bonds to meet any unforeseen emergencies. With declining revenues, caused by the national energy crisis, we are all concerned about future road construction. However, before we consider launching new taxation to assist road revenues, I suggest that we take a careful look at whether or not, under the energy crisis, materials are going to be available for our further aggressive road construction program. I currently see no need for an increase in fuel taxes for either 1974 or possibly even for 1975 if we can be successful in our attempts to have all of our impounded highway funds released by the Federal Government.

Were it not for the national energy crisis, I am confident Nebraska would be looking to 1974 as our best year ever. However, Nebraska and our nation has some possible economic storm clouds ahead that are not fully predictable.

Time and again, I have warned that inflation is the number one problem that faces America. Only recently, official Federal statistics have shown that we were hit by near record inflation in 1973. But Nebraska and America will not be sold short. We will face up to our problems recognizing always that we have more blessings than shortcomings.

In each of my addresses to your honorable body, I have emphasized the open door policy at the Governor's office. Yes, it's true that we are confronted with many issues, and while we cannot always agree, I believe that open and free discussion is a must. I try to follow the motto that

hangs in my office, "God grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference."

With God's help then and our dedication to mutual understanding, we shall strive hard to work together for what is best for Nebraska. Thank you.

The Committee escorted the Governor from the Chamber.

GENERAL FILE

LEGISLATIVE BILL 568. Considered.

Mr. DeCamp renewed his pending motion found in this day's Journal to indefinitely postpone.

The motion prevailed with 26 ayes, 16 nays and 7 not voting.

LEGISLATIVE BILL 293. Bracketed until Tuesday, January 29, 1974 at the request of Mr. Simpson.

LEGISLATIVE BILL 680. Title read. Considered.

Bracketed until Monday, January 28, 1974 at the request of Mr. Carpenter.

LEGISLATIVE BILL 613. Bracketed until Monday, January 28, 1974 at the request of Mr. Carpenter.

LEGISLATIVE BILL 599. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 653. Title read. Considered.

Mr. Cavanaugh offered the following amendment:

In line 5, after "shall" strike "not". Amendment pending.

Mr. Goodrich asked unanimous consent to hold the bill over until Tuesday, January 29. Mr. Barnett objected.

Mr. Goodrich moved to hold the bill over until Tuesday, January 29, 1974. The motion lost with 13 ayes, 15 nays and 21 not voting.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 908	Tuesday, February 12, 1974	2:00 p.m.
LB 949	Tuesday, February 12, 1974	2:00 p.m.
LB 963	Tuesday, February 12, 1974	2:00 p.m.

(Signed) Thomas Kennedy, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 654. Placed on General File as amended.
Standing Committee amendment to LB 654:

1. On page 2, line 3, strike "18-1722.01." and insert "~~18-1722.01.~~"; strike the new and reinstate the stricken matter in lines 3 to 12; in line 4 strike "municipality" and insert "municipality city of the primary class"; and in line 12 insert "to be recorded. No fee shall be charged for such recording." after "county".

LEGISLATIVE BILL 655. Placed on General File as amended.
Standing Committee amendments to LB 655:

1. Strike sections 1, 4, and 5.
2. On page 2 lines 18 and 19 strike the new matter; in line 23 strike "certified" and show as stricken and insert "first class" and strike "with return receipt requested" and show as stricken; and in lines 26 and 27 strike the new matter.
3. On lines 5 and 6 of page 3 strike the new matter; in line 9 strike "certified" and show as stricken and insert "first class" and in lines 9 and 10 strike "with return receipt requested" and show as stricken.
4. On page 4 line 6 strike "18-1216,"; in line 7 after "18-1217" strike the comma and insert "and" and strike "18-1219, and 18-1220,".
5. Renumber original sections 2, 3, and 6 as section 1, 2, and 3 respectively.

(Signed) Maurice A. Kremer, Chairman

ANNOUNCEMENT

Mr. Chambers announced the Government, Military and Veterans Affairs Committee will hold an Executive Session at 1:30 p.m. today in Room 2227.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LR 99	Thursday, January 31, 1974	2:00 p.m.
LB 668	Friday, February 8, 1974	2:00 p.m.
LB 970	Thursday, February 14, 1974	2:00 p.m.
LB 661	Friday, February 15, 1974	2:00 p.m.
LB 865	Friday, February 15, 1974	2:00 p.m.
LB 960	Friday, February 15, 1974	2:00 p.m.

(Signed) George Syas, Chairman

Judiciary

LB 8	Monday, February 4, 1974	2:00 p.m.
LB 329	Monday, February 4, 1974	2:00 p.m.
LB 829	Monday, January 28, 1974	2:00 p.m.
LB 828	Monday, January 28, 1974	2:00 p.m.
LB 952	Monday, February 11, 1974	2:00 p.m.
LB 814	Tuesday, February 12, 1974	2:00 p.m.
LB 832	Tuesday, February 12, 1974	2:00 p.m.
LB 867	Tuesday, February 12, 1974	2:00 p.m.
LB 923	Tuesday, February 12, 1974	2:00 p.m.
LB 966	Tuesday, February 12, 1974	2:00 p.m.
LB 967	Tuesday, February 12, 1974	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 984. By Speaker Proud, 12th District, at the request of the Governor.

A BILL FOR AN ACT to amend sections 79-4,160, 79-4,161, 79-4,162, 79-4,164, 79-4,165, 79-4,166, and 79-4,168, Revised Statutes Supplement, 1973, relating to schools; to provide for state support; to limit general fund budget increases; to change internal references; and to repeal the original sections, and also section 79-4,159, Revised Statutes Supplement, 1973.

LEGISLATIVE BILL 985. By Speaker Proud, 12th District, at the request of the Governor.

A BILL FOR AN ACT making appropriations and reappropriations for capital construction and improvements and land acquisition; to provide conditions; to provide for lapsing; to amend section 29, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, with project cost and items of appropriation reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska; to repeal the original section, and also section 32, Legislative Bill 256, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

LEGISLATIVE BILL 986. By Speaker Proud, 12th District, at the request of the Governor.

A BILL FOR AN ACT to provide for the payment of the salaries of the officers of the Nebraska state government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1975; to provide for the payment thereof; and to declare an emergency.

LEGISLATIVE BILL 987. By Speaker Proud, 12th District, at the request of the Governor.

A BILL FOR AN ACT to provide for the payment of the salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1974 to June 30, 1975; to appropriate the sum of two hundred forty-eight thousand nine hundred sixty-nine dollars therefor; and to declare an emergency.

LEGISLATIVE BILL 988. By Speaker Proud, 12th District, at the request of the Governor.

A BILL FOR AN ACT making appropriations for the state government for the period July 1, 1974 to June 30, 1975 except as otherwise appropriated; to recite limits and conditions on the expenditure of funds from the appropriations so made; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
982	Misc. Subjects	986	Appropriations
983	Misc. Subjects	987	Appropriations
984	Appropriations	988	Appropriations
985	Appropriations		

(Signed) Terry Carpenter, Chairman

UNANIMOUS CONSENT—Re-refer Bills

Mr. Carpenter asked unanimous consent to re-refer LB 899, LB 900, LB 901, and LB 902 from the Education Committee to Government, Military and Veteran's Affairs Committee.

Mr. Syas objected.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Stull, the Legislature adjourned until 9:00 a.m., Wednesday, January 23, 1974.

Vincent D. Brown
Clerk of the Legislature

FIFTEENTH DAY—JANUARY 23, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 23, 1974

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

With grateful hearts we thank Thee, O God, for the works already accomplished during this session. Thy unseen hand, Thy unspoken word have sustained us unto this moment, and now we stand in no less need of Thy vigilance and Thy guidance. We labor for Thy people and we labor ultimately for Thy glory. In accepting the people's mandate to serve as Senator we have made a covenant with Thee, and day after day as we fulfill our duty we prayerfully and humbly call upon Thee to meet the conditions of the compact. Together with Thee, and surely not without Thee, we shall marshal our energies, attack our problems, achieve solutions consonant with Thy will and with the welfare of this Commonwealth. So help us, God. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Schmit who was absent until 9:15 a.m. and Mr. Keyes who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 592. Placed on Select File as amended.
E & R amendment to LB 592:

1. Insert the Carpenter amendment, found on pages 238 and 239 of the Journal, prior to section 1;

before line 1 thereof insert:

Section 1. That section 79-426.19 Revised Statutes Supplement, 1973, be amended to read as follows:”; in line 1 insert “79-426.19.” before “Within”; in line 10 strike “committee” and insert “committees” as in the statutes; in line 10 strike “of a Class” and insert “of a Class”; in line 13 strike the comma as in the statutes; remove paragraphing from line 16 as in the statutes; insert a comma after “district” in line 18, at the end of line 19, and after “years” in line 21, as in the statutes; in line 21 reinstate “and”; in lines 26 and 32 insert an underscored comma after “years”; in line 34 strike “and” and insert an underscored comma; in line 44 strike “the” and insert “their” as in the statutes; in line 45 strike the period and show the same as stricken; and in line 46 strike “a” and insert “the” as in the statutes.

2. Renumber original sections 1 and 2 as sections 2 and 3.

3. Insert the new matter of the Carpenter amendments found on pages 323 and 324 of the Journal after renumbered section 3; in line 1 thereof strike “Sec. 1.” and insert “Sec. 4.”; in line 30 strike “Sec. 2.”; in line 37, insert “Sec. 5.” before “When” and supply paragraphing; in line 51 strike “Sec. 3.” and insert “Sec. 6.”; in line 58 strike “Sec. 4.” and insert “Sec. 7.”; in line 69 strike “Sec. 5.” and insert “Sec. 8. (1)”; in line 77 strike “Sec. 6.” and insert “(2)”; and strike lines 81 to 83.

4. Renumber original sections 3 and 4 as sections 9 and 10.

5. In new section 4, line 19, strike “(a) (i)” and insert “(1)”; in line 21 strike the period and insert an underscored semicolon; in line 22 strike “(ii)” and insert “(2)”; in line 25 strike the period and insert “; and”; in line 26 strike “(iii)” and insert “(3)”; and in line 35 strike “, provided in” and insert “. In”.

6. In new section 5, line 2, insert “for the board of education of a Class III school district” after “candidate”; in line 5 strike “such person” and insert “he”; in line 10 insert an underscored comma after the first “election”; in lines 10 and 11 strike “, as the case may be,”; in line 13 insert “to appear” after “Notice”; and in line 14 insert “given” after “be”.

7. Strike the Carpenter amendment to page 3, lines 20 and 21; on page 3, line 20, insert “, and section 79-426.19, Revised Statutes Supplement, 1973” after “1972”; in line 21, strike “79-803.03” and insert “79-803”; and strike “1972” and insert “1973” in line 21.

8. On page 3, line 24, strike “d” and insert “from and”.

9. In the title, line 3, insert “, and section 79-426.19, Revised Statutes Supplement, 1973” after “1972”; in line 7, insert “to provide procedures for the election of the board of a Class III district;” after the semicolon; in line 8 strike “79-803.03” and insert “79-803”; and in line 9 strike “1972” and insert “1973”.

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 17 and 595.

Correctly Engrossed

The following bills were correctly engrossed: 438 and 513.

(Signed) John J. Cavanaugh, Chairman

PRESENTED TO GOVERNOR

Presented to the Governor for approval on January 23, 1974, at 8:55 a.m., were the following: LR 8, 43, 43A, 162, 162A, 306, 306A, 377, 506, 506A, 565, 590, 594, and 596.

(Signed) Barbara Jackson, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 109.

Introduced by DeCamp, 40th District; Anderson, 37th District; Burbach, 19th District; Carpenter, 48th District; C. Carsten, 2nd District; Cavanaugh, 9th District; Dickinson, 31st District; Duis, 39th District; Epke, 24th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Kime, 43rd District; Kremer, 34th District; F. Lewis, 45th District; Mahoney, 5th District; Maresh, 32nd District; Moylan, 6th District; Murphy, 17th District; Nore, 22nd District; Rasmussen, 41st District; Schmit, 23rd District; Simpson, 46th District; Skarda, 7th District; Snyder, 14th District; Stromer, 36th District; Stull, 49th District. Syas, 13th District, Wiltse, 1st District.

WHEREAS, on January 22, 1973, the Supreme Court of the United States rendered a decision on the question of abortion which had the effect of threatening the life of the unborn; and

WHEREAS, the Legislature of Nebraska in response to this ill-conceived decision of the Supreme Court enacted LB 286 in an effort to protect the life of the unborn to the largest degree possible; and

WHEREAS, the Congress of the United States has the power and the authority to implement a change in the Constitution of the United States which would more adequately protect the lives of the unborn and undo the harm created by the United States Supreme Court decision of January 22, 1973.

NOW, THEREFORE, BE IT RESOLVED BY MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature goes on record as condemning that decision of January 22, 1973.

2. That it encourages other states to imitate Nebraska in passing protective legislation for the unborn such as LB 286.

3. That it encourages the Congress of the United States to implement a Constitutional Amendment to the Constitution of the United States which would protect the unborn.

ANNOUNCEMENT

Mr. Carpenter announced the Executive Board will meet at 1:00 p.m., January 23, to hear a report from the Fiscal Analyst.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules and consider the bills on Final Reading set for tomorrow. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 19.

WHEREAS, there should be an amendment to the Constitution of the United States providing that no student shall be assigned to nor compelled to attend any particular school on account of race, religion, color, or national origin, or bussing used for such purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Congress of the United States propose an amendment to the Constitution of the United States to read as follows:

"ARTICLE —

No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color, or national origin, or bussing used for such purpose."

2. That a copy of this resolution be sent to each individual member of the House of Representatives of the United States, to each senator of the United States, to the President of the United States, and to the Vice President of the United States.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 30:

Burbach	Carpenter	C. Carsten	F. Carstens	Clark
Dickinson	Goodrich	Hasebroock	Johnson	Kennedy
Kime	Kremer	F. Lewis	R. Lewis	Mahoney
Maresh	Marvel	Moylan	Murphy	Nore
Proud	Rasmussen	Savage	Snyder	Stromer
Stull	Syas	Waldron	Whitney	Wiltse

Voting in the negative, 12:

Anderson	Barnett	Cavanaugh	Chambers	Fellman
Fowler	Kelly	Luedtke	Marsh	Simpson
Stahmer	Warner			

Not voting, 7:

DeCamp	Duis	Epke	Keyes	Richendifer
Schmit	Skarda			

A constitutional majority having voted in the affirmative, the resolution was declared passed.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 591. With Emergency.

A BILL FOR AN ACT to amend section 49-766, Revised Statutes Supplement, 1973, relating to statute revision; to provide for the number of copies of volumes of statutes to be printed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Murphy	Nore
Proud	Rasmussen	Savage	Simpson	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Duis	Keyes	Moylan	Richendifer	Schmit
Skarda				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 593. With Emergency.

A BILL FOR AN ACT to amend sections 39-725, 39-726, 39-733, and 37-7,113, Reissue Revised Statutes of Nebraska, 1943, section 39-735.02, Revised Statutes Supplement, 1972, and sections 39-719, 39-720, and 39-723.05, Revised Statutes Supplement, 1973, relating to highways, bridges, and ferries; to correct internal references; to delete obsolete matter; to clarify provisions; to repeal the original sections, and also sections 39-714.04, 39-718, 39-730, 39-734, 39-798, and 39-7,114, Reissue Revised Statutes of Nebraska, 1943, and section 39-735.03, Revised Statutes Supplement, 1972; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy

Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Keyes Richendifer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Print in Journal

Mr. Richendifer asked unanimous consent to print the following amendments to LB 856 in the Journal. No objections. So ordered.

1. On page 2 line 3 after "ten," insert "excluding any Class 1 school district which is a part of a Class VI school district," and after "may" insert "take any action necessary to provide for the performance of all of the duties imposed by law upon the county superintendent."; and strike lines 4 to 9.

SELECT FILE

LEGISLATIVE BILL 396. E & R amendments found in the Journal on page 354 for the Fourteenth Day were adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 92. E & R amendments found in the Journal on page 354 for the Fourteenth Day were adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 610. Advanced to E & R for engrossment.

LEGISLATIVE BILL 695. E & R amendments found in the Journal on page 355 for the Fourteenth Day were adopted.

Advanced to E & R for engrossment.

MOTION—Introduce New Bill

Mr. Cavanaugh moved the introduction of a new bill by the Committee on Miscellaneous Subjects: (Req. No. 1531). The motion prevailed with 32 ayes, 2 nays and 15 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 989. By Miscellaneous Subjects Committee; Cavanaugh, 9th District, Vice Chairman; Luedtke, 28th District; F. Lewis, 45th District; Murphy, 17th District; Skarda, 7th District; Carpenter, 48th District; Mahoney, 5th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-2603 and 79-2617, Revised Statutes Supplement, 1973; to provide area boards; to define technical community college areas; to authorize establishment of a technical community college; to repeal the original sections; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS

Agriculture and Environment

LB 830	Thursday, January 31, 1974	2:00 p.m.
LB 860	Thursday, January 31, 1974	2:00 p.m.
LB 884	Thursday, January 31, 1974	2:00 p.m.
LB 887	Thursday, January 31, 1974	2:00 p.m.
LB 894	Friday, February 1, 1974	2:00 p.m.
LB 946	Friday, February 1, 1974	2:00 p.m.
LB 858	Thursday, February 7, 1974	2:00 p.m.
LB 916	Thursday, February 7, 1974	2:00 p.m.
LB 934	Thursday, February 7, 1974	2:00 p.m.
LB 935	Thursday, February 7, 1974	2:00 p.m.
LB 679	Friday, February 8, 1974	2:00 p.m.
LB 799	Friday, February 8, 1974	2:00 p.m.

(Signed) Loran Schmit, Chairman

Government, Military and Veterans Affairs

LB 705	Thursday, January 31, 1974	2:00 p.m.
LB 796	Friday, February 1, 1974	2:00 p.m.
LB 811	Friday, February 1, 1974	2:00 p.m.
LB 855	Friday, February 1, 1974	2:00 p.m.
LB 864	Friday, February 1, 1974	2:00 p.m.

(Signed) Ernest Chambers, Chairman

Education

LB 964	Monday, February 18, 1974	2:00 p.m.
LB 973	Monday, February 18, 1974	2:00 p.m.

(Signed) Jerome Warner, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Hasebroock asked unanimous consent to be excused at 10:30 a.m. for the remainder of the day.

GENERAL FILE

LEGISLATIVE BILL 327. Bracketed until February 14 at the request of Mr. Waldron.

LEGISLATIVE BILL 653. Mr. Goodrich asked unanimous consent to hold the bill until Monday, January 28, 1974.

Mr. Chambers objected.

Mr. Cavanaugh moved to hold the bill until Friday, January 25, 1974.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 20 ayes, 2 nays and 27 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed with 40 ayes, 1 nay and 8 not voting.

The motion to hold LB 653 until Friday, January 25, 1974 prevailed with 31 ayes, 9 nays and 9 not voting.

LEGISLATIVE BILL 699. Title read. Considered.

Standing Committee Amendments found in the Journal on page 358 for the Fourteenth Day were adopted.

Mr. Skarda asked unanimous consent to hold LB 699.

Mr. Rasmussen objected.

Mr. Rasmussen moved to advance LB 699.

Mr. F. Carstens moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 13 nays and 13 not voting.

Speaker Proud asked unanimous consent to be excused at 11:15 a.m. for the remainder of the morning. No objections. So ordered.

Mr. Kime moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

UNANIMOUS CONSENT—Expedite Bills

Mr. Simpson asked unanimous consent to expedite LB 699. No objections. So ordered.

Mr. Whitney asked unanimous consent to expedite LB 432A. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 654. Title read. Considered.

Standing Committee amendment found in the Journal on page 367 for the Fourteenth Day was adopted.

Bracketed until Monday, January 28, 1974 at the request of Mr. Goodrich.

LEGISLATIVE BILL 655. Bracketed until Monday, January 28, 1974 at the request of Mr. Goodrich.

REFERENCE COMMITTEE REPORT

LB	Committee
989	Education

(Signed) Terry Carpenter, Chairman

MOTION—Withdraw Bills

Mr. Syas moved to withdraw LB 900. Motion pending.

Mr. Savage moved to withdraw LB 902. Motion pending.

Mr. Snyder moved to withdraw LB 901. Motion pending.

UNANIMOUS CONSENT—Members Excused

Messrs. Clark and DeCamp asked unanimous consent to be excused Friday morning, January 25, 1974. No objections. So ordered.

VISITORS

President Marsh introduced former Lieutenant Governor John Everroad.

ADJOURNEMENT

At 11:28 a.m., on a motion by Mr. R. Lewis, the Legislature adjourned until 10:00 a.m., Thursday, January 24, 1974.

Vincent D. Brown
Clerk of the Legislature

SIXTEENTH DAY—JANUARY 24, 1974

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 24, 1974

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

Almighty God, our Father, we thank Thee for this day with its rich opportunities to serve, to labor for the prosperity and happiness of our people. Help us to understand the importance of our duties and responsibilities, and bless us in the fulfillment of them. Though opinions differ, help us to be open minded to the views of others, to be patient under provocation, charitable in judgment, respectful and courteous to all. Grant that the officers and members of this Legislature may be preserved in health, and sustained in a confident, hopeful frame of mind, as all work together for the coveted divine approval, "well done good and faithful servants." AMEN.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach and Fellman who were excused and Mr. F. Carstens who was absent until 11:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

UNANIMOUS CONSENT—Members Excused

Messrs. C. Carsten and Wiltse asked to be excused from 10:30 a.m. until 11:30 a.m. No objections. So ordered.

MOTION—Suspend Rules

Mr. Goodrich moved to suspend the rules and allow the Jaycee members to sit on the sides under the balcony this morning.

Mr. Snyder moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 33 ayes, 6 nays and 10 not voting.

Mr. Goodrich's motion lost with 18 ayes, 26 nays and 5 not voting.

MESSAGES FROM THE GOVERNOR

January 23, 1974

Mr. Vincent Brown
Clerk of the Legislature
State of Nebraska
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 212 and 569.
These bills were signed by me on January 22, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

January 24, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith LB 43A with my signature, but with exceptions, as indicated.

Please note the line item reduction of the appropriations by some \$246,000. You have approved \$406,875 to fund LB 43 which I have signed into law.

We have established that over a quarter of a million dollars was over-appropriated and can be saved in appropriations and still properly fund the measure for the period prescribed.

Once again I suggest that non-emergency "A" bills be bracketed until after your passage of the mainline budget bill so that we might all have a better understanding of total appropriations as we consider spending measures.

Sincerely,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINIONS

Opinion No. 129
January 22, 1974

Dear Senator Keyes:

You have requested our opinion as to whether, in the case of streets having been established by a sanitary and improvement district, future maintenance and repair of the streets is the responsibility of the district or of the county.

Sanitary and improvement districts are bodies corporate and politic and, in effect, are quasi-municipalities. As we view the sanitary and improvement district statutes, it appears to be contemplated that such districts shall have continuing responsibility for the upkeep of all internal improvements and other facilities constructed or acquired by the districts.

You have also requested our opinion as to whether our answer to your question would be affected in the event of the passage of Legislative Bill 629. We believe not. All L. B. 629 seems intended to accomplish is to require sanitary and improvement districts to properly prepare comprehensive plans, which are to be submitted to the county board for approval. We see nothing in that bill which would in any way obligate the county for the future maintenance of the district streets.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:ejg
cc: Mr. Vincent D. Brown

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 359. Replaced on Select File as amended.
E & R amendment to LB 359:

1. In line 2 of E & R 5, strike "line 9"
and insert "line 8".
2. On page 3, line 25, strike the semicolon
and insert a period.
3. On page 4, line 12, strike the semicolon
and insert a period.

LEGISLATIVE BILL 699. Placed on Select File as amended.
E & R amendment to LB 699:

1. In the title, strike line 4 and insert
"restrict a prohibition against hunting predatory
animals;"

LEGISLATIVE BILL 432A. Placed on Select File as amended.
E & R amendment to LB 432A:

1. On page 2, lines 7 and 8, and in the title,
lines 9 and 10, strike "Second Session, 1974" and insert
"First Session, 1973".

LEGISLATIVE BILL 599. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 92, 396, 610 and 695.

Correctly Enrolled

The following bills were correctly enrolled: LR 19, 591 and 593.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business,
the President signed the following bills: LR 19, 591 and 593.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 672. Indefinitely postponed.

LEGISLATIVE BILL 714. Indefinitely postponed.

(Signed) F. Carstens, Chairman

NOTICE OF COMMITTEE HEARING**Miscellaneous Subjects Committee**

LB 956	Thursday, January 31, 1974	2:00 p.m.
LB 883	Thursday, January 31, 1974	2:00 p.m.
LB 972	Thursday, January 31, 1974	2:00 p.m.
LB 815	Thursday, January 31, 1974	2:00 p.m.
LB 817	Thursday, January 31, 1974	2:00 p.m.
LB 650	Thursday, January 31, 1974	2:00 p.m.
LB 868	Thursday, January 31, 1974	2:00 p.m.
LB 754	Thursday, January 31, 1974	2:00 p.m.
LB 692	Thursday, February 7, 1974	2:00 p.m.
LB 783	Thursday, February 7, 1974	2:00 p.m.
LB 922	Thursday, February 7, 1974	2:00 p.m.
LB 777	Thursday, February 7, 1974	2:00 p.m.
LB 937	Thursday, February 7, 1974	2:00 p.m.
LB 981	Thursday, February 7, 1974	2:00 p.m.
LB 915	Thursday, February 7, 1974	2:00 p.m.
LB 978	Thursday, February 7, 1974	2:00 p.m.
LB 910	Thursday, February 14, 1974	2:00 p.m.
LB 835	Thursday, February 14, 1974	2:00 p.m.
LB 895	Thursday, February 14, 1974	2:00 p.m.
LB 761	Thursday, February 14, 1974	2:00 p.m.
LB 962	Thursday, February 14, 1974	2:00 p.m.
LB 759	Thursday, February 14, 1974	2:00 p.m.
LB 758	Thursday, February 14, 1974	2:00 p.m.
LB 945	Thursday, February 14, 1974	2:00 p.m.

(Signed) J. James Waldron, Chairman

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules to read LB 66 and LB 508 today. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

COMMUNICATION

Acknowledged receipt of \$3.00 check from Mary C. Parks, Omaha, for contribution of new state building.

Speaker Proud moved to accept the check. The motion lost with 23 ayes, 11 nays and 15 not voting.

Speaker Proud asked unanimous consent to have the Clerk return the check to Mrs. Parks with an expression of gratitude. No objections. So ordered.

MOTION—Withdraw LB 874

Mr. Kennedy moved to withdraw LB 874. Motion pending.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 508. Bracketed until Wednesday, January 30, 1974 at the request of Mr. Waldron.

LEGISLATIVE BILL 66.

A BILL FOR AN ACT relating to fatal motor vehicle accidents; to provide for reports; to provide for body fluid tests as prescribed; to restrict use of reports and statements; to provide for costs; and to provide for rules and regulations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Anderson	Barnett	Carpenter	Cavanaugh	DeCamp
Duis	Epke	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	Luedtke	Mahoney	Maresch
Marsh	Marvel	Moylan	Nore	Savage
Simpson	Stahmer	Stull	Syas	Waldron
Warner	Whitney			

Voting in the negative, 8:

Clark	Dickinson	R. Lewis	Proud	Rasmussen
Skarda	Snyder	Stromer		

Not voting, 9:

Burbach	C. Carsten	F. Carstens	Chambers	Fellman
Murphy	Richendifer	Schmit	Wiltse	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

BILLS ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 989A. By Miscellaneous Subjects: Waldron, 42nd District, Chairman; Mahoney, 5th District; Skarda, 7th District; F. Lewis, 45th District; Carpenter, 48th District; Cavanaugh, 9th District; Luedtke, 28th District.

A BILL FOR AN ACT to appropriate seven hundred seventy thousand dollars from the state General Fund for the period ending June 30, 1975 to the Metropolitan Technical Community College Area, to aid in carrying out the provisions of Legislative Bill 989, Eighty-third Legislature, Second Session, 1974; and to declare an emergency.

MOTION-Introduce Bills

Mr. Kremer moved the introduction of a new bill by the committee on Public Works (Req. No. 1421). The motion lost with 9 ayes, 23 nays and 17 not voting.

Mr. Kremer moved the introduction of a new bill by the committee on Public Works and Agriculture and Environment (Req. No. 1534).

Mr. Carpenter moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 30 ayes, 2 nays and 17 not voting.

The Kremer motion prevailed with 36 ayes, 0 nays and 13 not voting.

MOTION—Suspend Rules

Mr. Luedtke moved to suspend the rules for the introduction of four new bills by the Judiciary Committee. (Req. Nos. 1524, 1525, 1526 and 1527)

The motion prevailed with 30 ayes, 1 nay and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 990. By Public Works Committee: Kremer, 34th District, Chairman; Hasebroock, 18th District; Wiltse, 1st District; Moylan, 6th District; Warner, 25th District; Goodrich, 20th District; R. Lewis, 38th District; Stromer, 36th District; Agriculture & Environment Committee: Schmit, 23rd District; Maresh, 32nd District; Dickinson, 31st District; Kennedy, 21st District; C. Carsten, 2nd District; Epke, 24th District; Rasmussen, 41st District; Kime, 43rd District.

A BILL FOR AN ACT for an act relating to natural resources; to require permits for the construction of wells; to provide for determination of critical areas of water levels; to provide procedures; to provide objectives; to provide exceptions; and to provide an operative date.

LEGISLATIVE BILL 991. By Judiciary Committee: Luedtke, 28th District, Chairman; Richendifer, 16th District; Barnett, 26th District; Stull, 49th District; Carpenter, 48th District; Chambers, 11th District; Fellman, 4th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to the Youth Development Center-Kearney; to create a cash fund; to prescribe its name and purpose; and to provide for deposits.

LEGISLATIVE BILL 992. By Judiciary Committee: Luedtke, 28th District, Chairman; Richendifer, 16th District; Barnett, 26th District; Stull, 49th District; Carpenter, 48th District; Chambers, 11th District; Fellman, 4th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 83-472, Reissue Revised Statutes of Nebraska, 1943, relating to the Youth Development Center-Kearney; to lower the age for release; and to repeal the original section.

LEGISLATIVE BILL 993. By Judiciary Committee: Luedtke, 28th District, Chairman; Richendifer, 16th District; Barnett, 26th District; Stull, 49th District; Carpenter, 48th District; Chambers, 11th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 83-904, Revised Statutes Supplement, 1973, relating to the Department of Correctional Services; to provide for the transfer of buildings; and to repeal the original section.

LEGISLATIVE BILL 994. By Judiciary Committee: Luedtke, 28th District, Chairman; Richendifer, 16th District; Barnett, 26th District; Stull, 49th District; Carpenter, 48th District; Chambers, 11th District; Fellman, 4th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 83-905, Revised Statutes Supplement, 1973, relating to public institutions; to change the name of the State Reformatory for Women as prescribed; to harmonize with other legislation; to provide duties for the Revisor of Statutes; and to repeal the original section.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 626. Placed on General File as amended.

Standing Committee amendments to LB 626:

1. On page 2 line 13 insert after "part" the following:
"prior to the due date".

2. Add a new section 2 as follows:

"Section 2. That section 8-440, Revised Statutes Supplement, 1973,

2 be amended to read as follows:

3 8-440. All charges based upon due performance of the loan
4 contract and computed as provided in section 8-435 may be included
5 in the amount of any installments scheduled to be repaid by the
6 borrower. If charges have been precomputed and included in the
7 scheduled installments, and if the contract is prepaid in full by
8 cash, a new loan, or otherwise after the first installment due date
9 but before the final installment due date, the refund shall be at
10 least as great a proportion of the total charges as the sum of the
11 remaining monthly balances of the principal and interest combined
12 scheduled to follow the date of prepayment bears to the sum of all
13 the monthly balances of principal and interest combined originally
14 scheduled by the contract. For the purpose of computing the refund,
15 any prepayment in full made on or before the fifteenth day following
16 an installment date shall be deemed to have been made on the install-
17 ment date immediately preceding the date of prepayment in full and
18 any prepayment in full made after such fifteenth day shall be
19 deemed to have been made on the installment date immediately
20 following the date of prepayment in full. No refund shall be
21 required for any partial prepayment. No refund of less than one
22 dollar need be made. The charges retained may be increased to the
23 extent that delinquency charges on any scheduled installment or
24 portion thereof, if contracted for, may be taken not in excess of
25 five per cent of each installment or five dollars, whichever is
26 less, or in lieu thereof interest after maturity on each such
27 installment not exceeding the highest permissible contract rate as
28 provided in section 8-435. ~~Payment of any installments fifteen~~
29 ~~days or less prior to the date of maturity shall not be deemed~~
30 ~~prepayment, and payment of any installments fifteen days or less~~
31 ~~after maturity shall not subject the borrower to additional~~
32 ~~interest.~~ If judgment is obtained before the final installment
33 due date, the contract balance shall be reduced by the refund
34 amount which would be required for prepayment in full as of the
35 date judgment is obtained."

3. Renumber original section 2 as section 3.

4. On page 3, line 18, strike "section" and insert "sections
8-440 and"; and in line 19 strike "is" and insert "are".

5. Renumber section 3 as section 4.

(Signed) Fred W. Carstens, Chairman

MOTION—Withdraw LB 671

Mr. Stahmer moved to withdraw LB 671. Motion pending.

ANNOUNCEMENT

Mr. Warner announced an Executive Session of the Education Committee immediately upon adjournment.

SELECT FILE

LEGISLATIVE BILL 592. E & R amendments found in the Journal for the Fifteenth Day were adopted.

Mr. Murphy offered the following amendment:

Section 1, Line 2, strike "shall". Insert "may".

Insert the following sub-section after section iii

Section 1, sub-section (a), sub-paragraph iii

1. If the number of candidates properly filed for the
- 2 primary election does not exceed two for each vacancy
- 3 to be filled, candidates shall not be required to be
- 4 elected in the primary election.

Laid over at the request of Mr. Murphy.

UNANIMOUS CONSENT—Print in Journal

Mr. Stromer asked unanimous consent to print the following amendments to LB 592 in the Journal. No objections. So ordered.

(1) Amend Carpenter amendment on page 239 of the Journal by:

1. In line 31 strike "six" and insert "four", and strike "three" and insert "four"; in line 34 strike "three" and insert "five"; in line 35 after "appointment" insert "."; strike lines 36 to 38; in line 39 strike "with six member boards"; in line 40 after "years" insert "." and strike the rest of the line and strike line 41.

(2) Amend Carpenter amendment on page 323 of the Journal by:

1. In line 33 after "and" insert "four or five members shall be elected"; and after "election" insert "for terms of four years".

(3) Amend Carpenter amendment on page 324 of the Journal by:

1. In line 38 after "for," insert "three of" and after line 39 insert "Thereafter, the county clerk or election commissioner with the aid of the elected secretary of the board of education of the district shall determine the length of time for which candidates shall be nominated and elected.".

SELECT FILE

LEGISLATIVE BILL 699. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 432A. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Unbracket LB 490

Mr. R. Lewis asked unanimous consent to unbracket LB 490 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 490. The R. Lewis pending amendment found in the Journal on page 319 for the Twelfth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Bracket LB 513

Mr. Snyder asked unanimous consent to bracket LB 513 on Final Reading for January 30. No objections. So ordered.

NOTICE OF COMMITTEE HEARING**Banking, Commerce and Insurance**

LB 848	Cancelled Monday, January 28, 1974	2:00 p.m.
LB 848	Reset Monday, February 4, 1974	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

MOTION—Withdraw Bills

Mr. Syas renewed his pending motion found in the Journal on page 380 for the Fifteenth Day to withdraw LB 900.

The Chair ruled the motion out of order.

Mr. Savage renewed his pending motion found in the Journal on page 380 for the Fifteenth Day to withdraw LB 902.

The Chair ruled the motion out of order.

Mr. Syas appealed the ruling of the Chair on his motion to withdraw LB 900. The question is, "Shall the Chair be overruled?"

The motion lost with 3 ayes, 31 nays and 15 not voting.

MOTION—Suspend Rules

Mr. Syas moved to suspend the rules to withdraw LB 900.

Mr. Syas moved for a Call of the House. The motion prevailed with 30 ayes, 10 nays and 9 not voting.

The Call showed 45 members present.

Mr. Waldron moved the Call be raised. The motion prevailed with 35 ayes, 5 nays and 9 not voting.

Mr. Snyder requested a record vote on the Syas motion.

Voting in the affirmative, 21:

Carpenter	Clark	Dickinson	Duis	Goodrich
Hasebroock	Johnson	Kremer	Maresh	Moylan
Murphy	Proud	Savage	Schmit	Skarda
Snyder	Stromer	Stull	Syas	Whitney
Wiltse				

Voting in the negative, 14:

Barnett	C. Carsten	Cavanaugh	Chambers	Fowler
Kelly	Kime	F. Lewis	Marsh	Nore
Rasmussen	Richendifer	Waldron	Warner	

Not voting, 14:

Anderson	Burbach	F. Carstens	DeCamp	Epke
Fellman	Kennedy	Keyes	R. Lewis	Luedtke
Mahoney	Marvel	Simpson	Stahmer	

The Syas motion lost with 21 ayes, 14 nays and 14 not voting.

MOTION—Withdraw LB 901

Mr. Snyder renewed his pending motion found in the Journal on page 380 for the Fifteenth Day to withdraw LB 901.

Motion pending. Laid over.

UNANIMOUS CONSENT—Member Excused

Mr. Waldron asked unanimous consent to be excused until Wednesday, January 30, 1974. No objections. So ordered.

RECESS

At 12:16 p.m., on a motion by Mr. Carpenter, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Burbach, Fellman and Waldron who were excused, Mr. Marvel who was excused until 2:00 p.m. and Messrs. Anderson and Goodrich who were absent.

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

January 25, 1974

Mr. President:

The Committee on Committees will meet at 8:00 a.m., Tuesday, February 5, 1974, in the East Lounge, Room 2230, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Rudolf Peralez - Director of the Department of Aeronautics
Lowell Shaffer - Liquor Control Commission
Conrad A. Lawrence - Nebraska Investment Council

(Signed) Ramey C. Whitney, Chairman

RESOLUTIONS**LEGISLATIVE RESOLUTION 110.**

Introduced by Anderson, 37th District; Barnett, 26th District; Carpenter, 48th District; C. Carsten, 2nd District; Cavanaugh, 9th District; Clark, 47th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Epke, 24th District; Fowler, 27th District; Goodrich, 20th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Kime, 43rd District; Kremer, 34th District; F. Lewis, 45th District; R. Lewis, 38th District; Luedtke, 28th District; Mahoney, 5th District; Maresh, 32nd District; Marsh, 29th

District; Marvel, 33rd District; Moylan, 6th District; Murphy, 17th District; Nore, 22nd District; Proud, 12th District; Rasmussen, 41st District; Savage, 10th District; Schmit, 23rd District; Simpson, 46th District; Skarda, 7th District; Snyder, 14th District; Stahmer, 8th District; Stromer, 36th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Warner, 25th District; Whitney, 44th District; Wiltse, 1st District.

WHEREAS, the United States Jaycees and its affiliated state and local chapters have set aside the week of January 20-27, 1974, to observe the founding of the Jaycees; and

WHEREAS, the week of January 20-27, 1974 has been proclaimed as JAYCEE WEEK in Nebraska; and

WHEREAS, the Nebraska Jaycees are expressing their interest in and commitment to better government in Nebraska by observing Nebraska Jaycee Government Day on January 24, 1974; and

WHEREAS, the Nebraska Jaycees have significantly contributed to the betterment of their local communities and the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature commends the Nebraska Jaycees for their service to their local communities and to our state.

2. That the Nebraska Legislature extends its full cooperation and best wishes for a successful and meaningful Nebraska Jaycee Government Day.

3. That a copy of this resolution be presented to the Nebraska Jaycees on the occasion of Nebraska Jaycee Government Day, on January 24, 1974.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 729. Placed on General File.

LEGISLATIVE BILL 730. Placed on General File.

LEGISLATIVE BILL 751. Indefinitely postponed.

(Signed) Fred W. Carstens, Chairman

Government, Military and Veteran's Affairs

LEGISLATIVE BILL 704. Placed on General File.

(Signed) Ernest Chambers, Chairman

Education

LEGISLATIVE BILL 607. Indefinitely postponed.

LEGISLATIVE BILL 634. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

Urban Affairs

LEGISLATIVE BILL 609. Placed on General File.

LEGISLATIVE BILL 652. Placed on General File as amended.
Standing Committee amendment to LB 652:

1. Amend page 2, line 11 by striking the word "lesser"
before the comma and inserting the word "greater" in lieu thereof.

LEGISLATIVE BILL 703. Placed on General File as amended.
Standing Committee amendment to LB 703:

1. Amend page 2, by inserting after line 7 the following:
"one member shall be appointed for a term of one year;".

LEGISLATIVE BILL 651. Indefinitely postponed.

(Signed) Duke Snyder, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
990	Agric. & Env./Pub. Works
991	Urban Affairs
992	Urban Affairs
993	Urban Affairs
994	Urban Affairs

(Signed) Terry Carpenter, Chairman

ANNOUNCEMENTS

Mr. Kennedy announced the Public Health and Welfare Committee will meet in Executive Session at 10:00 a.m., Friday, January 25, 1974.

Mr. Luedtke announced the Judiciary Committee will meet in Executive Session at 10:00 a.m., Monday, January 28, 1974.

ADJOURNMENT

At 1:57 p.m., on a motion by Mr. Simpson, the Legislature adjourned until 10:00 a.m., Tuesday, January 29, 1974.

Vincent D. Brown
Clerk of the Legislature

SEVENTEENTH DAY—JANUARY 29, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 29, 1974

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Marsh presiding.

PRAYER

Almighty God, our heavenly Father, our calling to public political service is full of difficulty, so we pray daily for Thy grace to resist temptation or compromise. Provide us all, we pray, with that dignity which compels us to stand for the right and shun the wrong; to stand when the heat of conflict swelters and the storm beats down; when the task of survival is a grinding yoke of sacrifice and when loyalty calls forth as never before. Our calling is to a high vocation, burdened with arduous duties; thus humbly and fervently do we pray for strong health, great wisdom, broad vision, guidance from above, as we work daily for the honor and welfare of our people and the manifestation of Thy glory. AMEN.

ROLL CALL

The roll was called and all members were present except Mr. Waldron who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixteenth Day was approved.

MESSAGES FROM THE GOVERNOR

January 24, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 43, 306, 506, 565, 590, 594, and 596, and Reengrossed Legislative Bills Nos. 162, 162A, 306A, and 506A.

These bills were signed by me on January 24, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

January 25, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 377.

This bill was signed by me on January 24, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

January 28, 1974

Mr. President, Mr. Speaker,
Members of the Legislature
State of Nebraska
Lincoln, Nebraska 68509

Dear Mr. President & Senators:

As Chief Executive of the State of Nebraska, I feel that it is important to convey this message relative to certain federal dictates calling for four highway safety measures to be passed by this legislative body.

On June 28, 1973, I received correspondence from National Highway Traffic Safety Administration officials that approved our state's Four Year

Highway Safety Comprehensive Plan. This approval and funding according to federal authorities, however, was contingent upon the enactment of the following legislative items:

1. A provision for the regulated training and certification program for ambulance attendants.

2. Adoption of a system to determine blood alcohol concentration of drivers and pedestrians who die within four hours of a traffic crash.

3. Adoption of a fully effective and constitutionally acceptable helmet law for motorcycle operators and passengers.

4. Completion of our classified driver's licensing system which would require a separate test be given for those who "drive for hire".

Through our State Office of Highway Safety we have seen that these legislative items are before this honorable body.

I would urge your deliberation and encourage Nebraska's Unicameral to pass favorably on these concepts. I am firmly convinced that they will make a valuable statutory contribution to our overall Nebraska highway safety program effort which has, and is, reducing the loss of lives on our roadways.

In another context, as Governor, I did react to federal authorities once again using such "dictate practices". I'm attaching copies of my letter of July 5, to Mr. Claude Brinegar, Secretary of the Department of Transportation, and his response of August 2, to be read before the Legislature. It is my understanding that contact has been made by State Senators to ask federal authorities to meet in conference with members of the Legislature, and I'm sure that this background will be valuable to you.

The Secretary of Transportation has assured me that the penalty clause will be invoked upon those states which do not pass on these "13 Must Items" of which Nebraska has not come into full compliance in the above four stated areas. The penalty is described as a loss of 10% of our state's highway trust monies for road building construction and, in theory, the entire amount of funds for our highway safety effort. This could amount to the forfeiture of as much as seven million dollars.

Again, while taking issue with federal mandates, their propriety and their legality, I would still urge that the Legislature pass favorably on these bills with the perspective for saving lives in mind. It is vital that we maintain our sense of commitment and independent evaluation regardless of the frustrations involved in this question.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa

Enclosures

THE SECRETARY OF TRANSPORTATION
WASHINGTON, D. C. 20590

August 2, 1973

Dear Governor Exon:

This is in reply to your letter of July 5, 1973, concerning the action taken by the National Highway Traffic Safety Administration and the Federal Highway Administration on Nebraska's Comprehensive Plan of current and proposed highway safety activities for Fiscal Years 1974 through 1977.

The Highway Safety Act of 1966 requires that each State have a highway safety program approved by the Secretary of Transportation in accordance with the national highway safety standards and that the Governor be responsible for administration of the program. The Act would thus appear to differentiate between the State's responsibility for submitting an acceptable highway safety program and the Governor's responsibility for administering it.

The conditional approval of your Comprehensive Plan as indicated in our letter of June 28, 1973, was based on the timely implementation of four program elements required by the national standards. Under our interpretation of the intent of the Congress as expressed in the hearings during the formulation of the Act and later during amendment considerations, we have not required any State to conform immediately to all the standards but have required reasonable progress toward their implementation. The timeframes to satisfy these requirements were made known to State highway safety officials during 1972 and represent mandatory deadlines which by even liberal interpretation must be considered necessary to constitute reasonable progress.

We recognize that separation of powers does not permit a Governor to commit a legislature to action. However, the Highway Safety Act provides that the Secretary "shall not apportion any funds to any State which is not implementing a highway safety program approved by the Secretary."

The Governor's responsibility for the program's administration is but one of the prerequisites. Thus, we do not believe the Congress intended the actions necessary for the State to implement the program are limited to only those under the direct control of the Governor. The legislature shares responsibility for the program with the Governor. In the Department's view the failure of the legislature to enact essential legislation represents a decision by the citizens of the State, through their elected representatives, not to implement the program and, therefore, to accept reductions in Federal funds. Therefore, it is imperative for the whole of the State to assume responsibility for assuring an effective and total highway safety program.

We sincerely hope that Nebraska will continue to increase its efforts in a program that is acutely in need of the best efforts of us all.

Sincerely,

(Signed) Claude S. Brinegar

STATE OF NEBRASKA

July 5, 1973

Mr. Claude Brinegar, Secretary
U. S. Department of Transportation
Washington, D. C. 20590

Dear Mr. Secretary:

In 1966, the Federal Highway Safety Act was passed, establishing a national assault on highway crashes. It is my understanding that the clear intent of Congress was that this was to be managed and operated as a state program.

In good faith, Nebraska submitted a Comprehensive Plan to the National Highway Traffic Safety Administration for fiscal year 1974-77. We spelled out our commitment to manage an effective and well balanced program that will reduce the carnage that is occurring on our highways. In that plan, we outlined current activities and progress, as well as defining problem areas and objectives.

On June 28th, I received a letter from Mr. James Wilson of NHTSA, notifying me that our Comprehensive Plan had been approved. However, Mr. Secretary, I was astonished to note that in that letter of approval, Nebraska's Legislature was being ordered to pass four legislative items in this area of highway safety.

Certainly, on behalf of the Executive Branch of government, our Administration has demonstrated its commitment to highway safety, and in most areas Nebraska's Unicameral has agreed with our recommendations where statutory support has been needed. Let me reiterate that it is my intention to continue to work with Nebraska's Legislature in a joint effort. But, as Governor, I am certainly in no position to dictate, and I will not. So then, the issue cannot be described in terms of commitment to highway safety. Rather, the issue here is the infringement and handcuffing tactics that are being proposed contrary to the intent of Congress.

After this matter has received your review, I am confident that you will concur that this is a most serious matter that effects the outcome of highway safety efforts across the nation. Unless the individual state is responsible (within the broad guidelines of national standards) then we are not going to have the kind of accountability that will produce meaningful and productive highway safety programs. Mr. Wilson's letter does not, in fact, reflect federalstate cooperation, but, rather, a policy of federal dictate.

I am sharing a copy of my letter, as well as Mr. Wilson's, with Nebraska State Senator Terry Carpenter who is chairman of the Executive Committee of our Unicameral; and to State Senator Maurice Kremer,

chairman of the Public Works Committee.

May I hear from you?

Sincerely,

(Signed) J. J. Exon
Governor

U. S. DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

June 28, 1973

Dear Governor Exon:

We have made an in-depth review of your Comprehensive Plan of current and proposed highway safety activities for Fiscal Years 1974-77, submitted in accordance with the Highway Safety Act of 1966 (23 U.S.C. 402).

We are pleased to advise you that your Comprehensive Plan is approved for Fiscal Year 1974. Continued approval for Fiscal Year 1973 and subsequent years is contingent upon enactment of the following legislative items by the dates indicated and implementation thereof within one calendar year:

1. Provision for a regulated training and certification program for ambulance attendants by the close of the 1974 session of your legislature.
2. Adoption by the close of the 1974 session of your legislature of a system to determine the blood alcohol concentrations of drivers and pedestrians (over 15 years of age) who die within four hours of a traffic crash.
3. Adoption by the end of the 1974 session of your legislature of a fully effective and constitutionally acceptable helmet law for motorcycle operators and passengers.
4. Adoption by the close of the 1975 session of your legislature of a Classified Drivers Licensing System utilizing the one license concept.

The staff of the Kansas City Regional Office of NHTSA will assist you and Mr. John L. Sullivan, your Highway Safety Representative, in the work needed to satisfy these conditions.

In reviewing the Nebraska Comprehensive Plan we identified 17 distinct and separate legislative commitments. To assist you in meeting these commitments and achieving the aforestated requirements, we recommend the establishment of a standing legislative committee on highway safety to address all these legislative needs and commitments. Perhaps this could be included in the State's Goal No. 10 which seeks the statutory establishment of State and local community Safety Commissions and Offices.

There are several other areas in your Comprehensive Plan which need further modification and strengthening. Comments concerning these areas

are being sent directly to Mr. Sullivan. Our field personnel will contact him to discuss them in further detail.

This approval action does not constitute a commitment of Federal funds, nor does it create, in any manner, an obligation on the part of the Federal government to provide Federal funds to implement the Comprehensive Plan. Federal-aid highway safety funds will be made available to your State following approval of each Annual Work Program detailing yearly implementation activities.

Personnel from our field offices will be available to work with your Representative in developing the Annual Work Programs for implementing each year of the Plan to aid in strengthening the areas of weakness.

Sincerely,

John B. Kemp
(Signed) James E. Wilson,
Associate Administrator
Traffic Safety Programs

STANDING COMMITTEE REPORTS **Constitutional Revision and Recreation**

LEGISLATIVE BILL 598. Placed on General File as amended.
Standing Committee amendment to LB 598:

1. On page 2, line 9 strike "Thursday" and insert "Wednesday", and strike "Tuesday and insert "Tuesday Monday".

(Signed) George Syas, Chairman

Public Works

LEGISLATIVE BILL 50. Indefinitely postponed.

LEGISLATIVE BILL 160. Indefinitely postponed.

LEGISLATIVE BILL 701. Indefinitely postponed.

LEGISLATIVE BILL 720. Indefinitely postponed.

LEGISLATIVE BILL 929. Indefinitely postponed.

LEGISLATIVE BILL 611. Placed on General File.

LEGISLATIVE BILL 717. Placed on General File.

LEGISLATIVE BILL 762. Placed on General File.

LEGISLATIVE BILL 806. Placed on General File as amended.

Standing Committee amendment to LB 806:

1. On page 2, line 2, following "combination" add
", except trailers subject to Section 39-769, Revised
Statutes 1943,"; and in line 11, strike "sixty" and insert
"forty-eight".

LEGISLATIVE BILL 827. Placed on General File as amended.

Standing Committee amendment to LB 827:

1. On page 2 add a new section 2 to read as follows:
"Sec. 2. Any person violating the provisions of section 1
2 of this act shall be guilty of a misdemeanor and shall, upon
3 conviction thereof, be punished by a fine of not less than five
4 dollars nor more than fifteen dollars."

LEGISLATIVE BILL 941. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

Labor**LEGISLATIVE BILL 608.** Placed on General File as amended.

Standing Committee amendment to LB 608:

1. On page 2 line 6 strike "two" and show as stricken
and insert "three"; and in line 8 strike "two" and show as stricken
and insert "three".

LEGISLATIVE BILL 639. Placed on General File.**LEGISLATIVE BILL 715.** Placed on General File.

(Signed) Richard Maresh, Chairman

Public Health and Welfare**LEGISLATIVE BILL 600.** Placed on General File.**LEGISLATIVE BILL 778.** Placed on General File as amended.

Standing Committee amendment to LB 778:

1. Add a new section to read;
"Sec. 3. Since an emergency exists, this act shall be in full force
and effect, from and after its passage and approval, according to law."

(Signed) Thomas C. Kennedy, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on January 25, 1974, at 9:15 a.m. were the following: LR 19, LB 591, and LB 593.

(Signed) Barbara Jackson, Enrolling Clerk

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 490. Replaced on Select File as amended.
Enrollment and Review amendment to LB 490:

1. In the title, line 8, insert "to provide
for the determination of damages;" after the semicolon.

Correctly Engrossed

The following bills were correctly engrossed: 432A and 699.

Correctly Enrolled

The following bill was correctly enrolled: 66.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bill: 66.

**NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems**

LB 801	Monday, February 11, 1974	12:00 Noon
LB 789	Friday, February 15, 1974	12:00 Noon
LB 890	Friday, February 15, 1974	12:00 Noon
LB 896	Friday, February 15, 1974	12:00 Noon
LB 905	Friday, February 15, 1974	12:00 Noon
LB 787	Monday, February 18, 1974	12:00 Noon
LB 788	Monday, February 18, 1974	12:00 Noon
LB 724	Friday, February 22, 1974	12:00 Noon
LB 740	Friday, March 1, 1974	12:00 Noon
LB 839	Friday, March 1, 1974	12:00 Noon

LB 786 Wednesday, March 6, 1974 12:00 Noon
LB 841 Wednesday, March 6, 1974 12:00 Noon

(Signed) Ramey C. Whitney, Chairman

Education

LB 989 Monday, February 4, 1974 2:00 p.m.

(Signed) Jerome Warner, Chairman

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 632. Placed on General File.

(Signed) J. W. Burbach, Chairman

Judiciary

LEGISLATIVE BILL 658. Placed on General File as amended.
Standing Committee amendment to LB 658:

1. On page 2 lines 9 and 10 strike "one dollar" and insert "five dollars"; and after the period in line 10 strike the remainder of the line; strike lines 11 to 14.

LEGISLATIVE BILL 664. Placed on General File as amended.
Standing Committee amendment to LB 664:

1. On page 2 line 3 after "77-2037." strike lines 3 to 15 and show as stricken and insert:

"The lien of the inheritance tax shall cease ten years from the date of death of a decedent unless a determination of the amount of such tax by the court having jurisdiction thereof shall have been made within such ten year period, in which case the lien shall cease five years after the determination or upon payment of the tax, whichever first occurs. Each of the limitations shall serve as an absolute bar to any proceedings for the determination, assessment, or collection of such tax."

2. On page 2 after line 17 insert:

"Sec. 3. Since an emergency exists, this act shall be in full

2 force and take effect, from and after its passage and approval,

3 according to law.

LEGISLATIVE BILL 666. Placed on General File as amended.
Standing Committee amendments to LB 666:

1. On page 2 line 4 strike "ten" and insert "five"; in line 5 strike "ten" and insert "five".

2. On page 3 after line 4 insert:

- "Sec. 4. Since an emergency exists, this act shall be in full
2 force and take effect, from and after its passage and approval,
3 according to law."

LEGISLATIVE BILL 670. Placed on General File.

LEGISLATIVE BILL 683. Placed on General File as amended.
Standing Committee amendment to LB 683:

1. On page 3 line 5 strike "or"; and in line 8 after "transfer"
insert ", or (4) intended for use by an educational institution,
school, or other person for instructional or educational uses".

LEGISLATIVE BILL 684. Placed on General File as amended.
Standing Committee amendment to LB 684:

1. On page 2 line 6 after "person." insert "The person making
such service shall make a return thereof showing the manner and
proof of service."; and in line 8 strike "shall" and insert "may".

LEGISLATIVE BILL 685. Placed on General File as amended.
Standing Committee amendments to LB 685:

1. On page 5 line 3 after "crisis" insert "; Provided, that
the Governor shall have no authority to suspend, amend, contradict,
or nullify any service or priority being carried out by a public
utility pursuant to an order or rule of a federal agency which has
jurisdiction over the business of such public utility".

2. On page 6 after line 21 insert:

- "Sec. 11. This act shall not be operative after March 15, 1975,
2 and all powers conferred or orders issued pursuant to the provisions
3 of this act shall terminate at that time."

3. Renumber original section 11 as section 12.

LEGISLATIVE BILL 697. Placed on General File as amended.
Standing Committee amendments to LB 697:

1. On page 4 line 27 after "State" insert a period and strike
the rest of the line.

2. On page 5 strike line 1.

3. On page 11 after line 11 insert the following:

ARTICLE XI

An inmate must request a transfer in writing before such a
transfer can be made pursuant to Article IV."

(Signed) Roland Luedtke, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments
to LB 811. No objections. So ordered.

Printed and on file in the Clerk's office.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules and consider the bills on final reading set for tomorrow. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 709. Indefinitely postponed.

LEGISLATIVE BILL 640. Placed on General File as amended.
Standing Committee amendment to LB 640:

1. On page 2 line 12 after "electricity" insert Provided that facilities such as airconditioners, dust collectors, filters, fans, and similar facilities designed, constructed or installed solely for the benefit of the person for whom installed or the personnel of such person, and facilities designed or installed for the reduction or control of automobile exhaust emissions shall not be deemed air pollution control facilities for purposes of this subsection;".

LEGISLATIVE BILL 641. Placed on General File as amended.
Standing Committee amendments to LB 641:

1. On page 2, lines 24 and 25, strike "or subdistrict shall be eligible for nomination and for signing petitions" and show as stricken and insert "shall be eligible for nomination as candidates from the district at large or as candidates from the subdistrict within which they reside, and all such registered electors shall be eligible to sign petitions for candidates from the district at large. In the case of candidates from a subdistrict, only those registered electors residing within that subdistrict shall be eligible to sign petitions for such candidates"; in line 27 strike "residing within the" and show as stricken.

2. On page 3, line 1 strike "district or subdistrict," and show as stricken.

LEGISLATIVE BILL 756. Placed on General File.

LEGISLATIVE BILL 888. Placed on General File as amended.
Standing Committee amendment to LB 888.

1. Strike the original section 1 to 3 and insert the following:

"Section 1. That section 81-2,164.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3 81-2,164.01. The Department of Agriculture is hereby authorized to
4 cooperate with the federal government and ~~the proper agency or agencies~~
5 ~~thereof~~ other farm industry groups or associations in assembling and
6 disseminating current and timely information, regarding prices and mar-
7 ket conditions relating to ~~poultry and eggs~~ agricultural products pro-

8 ~~duced~~, throughout the State of Nebraska. The department shall dissemi-
 9 nate, without expense, through the newspapers, radio and television sta-
 10 ~~tions media, and other news distributing agencies or by telephone facili-~~
 11 ~~ties designed for such purpose~~ timely reports of such information as will
 12 be of general value and benefit to the producers and dealers in ~~poultry~~
 13 ~~and eggs and will~~ agricultural products to promote and assist the ~~general~~
 14 ~~welfare of the poultry~~ agriculture industry.

15 Sec. 2. That section 81-2,164.03, Reissue Revised Statutes of Nebraska,
 16 1943, be amended to read as follows:

17 81-2,164.03. The Director of Agriculture is hereby authorized to re-
 18 ceive voluntary gifts and contributions from the federal government, pri-
 19 vate agencies, farm industry associations, and individuals for the pur-
 20 pose of defraying the expenses of carrying out the provisions of sections
 21 81-2,164.01 to 81-2,164.03. All advances so received shall be credited
 22 to the Poultry and Egg Agricultural Products Marketing Information Fund
 23 which fund is hereby created. Disbursements from such fund shall be made
 24 upon vouchers approved by the director and warrants issued thereon as
 1 as provided by law. All money received from the federal government,
 2 local government agencies, private research agencies, farm industry
 3 associations, or individuals, which are reimbursements for expenditures
 4 made shall be deposited in the state treasury and by the State Treasurer
 5 credited to the ~~General Fund~~ Agricultural Products Marketing and Informa-
 6 tion Fund."

7 Sec. 3. That original sections 81-2,164.01 and 81-2,164.03, Reissue
 8 Revised Statutes of Nebraska, 1943, are repealed.

(Signed) Loran Schmit, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 104.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to taxation; to provide that the Legislature may by general law exempt from ad valorem taxation certain forest and wooded lands and water areas; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 2. The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by general law may exempt property owned by and used exclusively for agricultural and horticultural

societies, and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects. The Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land. The value of a home substantially contributed by the Veterans' Administration of the United States for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death of his widow or her remarriage. The Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments. The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation. No property shall be exempt from taxation except as provided in the Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation. In order to encourage the creation and preservation of forest and wooded lands and of water areas in this state, the Legislature may by general law exempt from ad valorem taxation in whole or in part those lands and areas, not otherwise exempt, devoted to accomplishing such creation and preservation but only to the extent that the state shall reimburse taxing subdivisions for the tax revenue lost by reason of the granting of such ad valorem tax exemption; Provided, that such exemption may not be extended to lands or areas which are urban in character, which are a part of or connected with a residential or commercial development, which are occupied by improvements, or which are used for producing income as defined by the Legislature."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide that the Legislature may by general law exempt from ad valorem taxation in whole or in part lands and areas devoted to the creation and preservation of forest and wooded lands and water areas except those which are urban in character, a part of or connected with a residential or commercial development, occupied by improvements, or used for producing income.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Mr. DeCamp moved to return LB 104 to Select File for the following specific amendment: Strike the enacting clause.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 0 nays and 13 not voting.

Mr. DeCamp's motion lost with 19 ayes, 25 nays and 5 not voting.

Mr. Syas requested a roll call vote on the Final Reading.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Fellman	Fowler	Goodrich
Kelly	Kremer	F. Lewis	Luedtke	Marsh
Marvel	Moylan	Nore	Savage	Simpson
Skarda	Snyder	Stahmer	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 21:

Cavanaugh	Clark	DeCamp	Dickinson	Duis
Epke	Hasebroock	Johnson	Kennedy	Keyes
Kime	R. Lewis	Mahoney	Maresh	Murphy
Proud	Rasmussen	Richendifer	Schmit	Stromer
Stull				

Not voting, 1:

Waldron

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed of passage.

LEGISLATIVE BILL 438. With emergency.

A BILL FOR AN ACT to amend sections 75-304.01 and 75-311, Revised Statutes Supplement, 1972, relating to the Public Service Commission; to provide an exception to the rate jurisdiction of the commission; to provide for the revocation of certificates or permits because of insufficient operations; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebrook	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 1:

Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 508.

A BILL FOR AN ACT to amend section 19-901, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, particular classes; to provide that a comprehensive development plan be used only as a guide as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Whitney	Wiltse			

Voting in the negative, 1:

Warner

Not voting, 1:

Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 513. Mr. Goodrich asked unanimous consent to bracket LB 513 until Tuesday, February 5. No objections. So ordered.

LEGISLATIVE BILL 595.

A BILL FOR AN ACT to amend section 49-617, Revised Statutes Supplement, 1973, relating to law; to change the distribution of statutes by the State Librarian as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Carpenter Duis Mahoney Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTIONS—Introduce Bills

Mr. Barnett moved the introduction of a new bill by the committee on Government, Military and Veteran's Affairs. (Req. No. 1545) The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Chambers moved the introduction of a new bill by the committee on Government, Military and Veteran's Affairs to provide that the Attorney General be a nonpolitical candidate. (Req. No. 1550)

Mr. Carpenter moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Call showed 45 members present.

Mr. Clark moved the Call be raised. The motion prevailed with 26 ayes, 10 nays and 13 not voting.

Mr. Chambers requested a roll call vote on the motion.

Voting in the affirmative, 24:

Anderson	Barnett	Carpenter	C. Carsten	Chambers
DeCamp	Duis	Fowler	Hasebroock	Kelly
Keyes	Kime	Kremer	F. Lewis	Luedtke
Mahoney	Marsh	Rasmussen	Savage	Simpson
Skarda	Stahmer	Stull	Syas	

Voting in the negative, 22:

Burbach	F. Carstens	Cavanaugh	Clark	Dickinson
Epke	Fellman	Goodrich	Johnson	Kennedy
Marvel	Moylan	Murphy	Nore	Proud
Richendifer	Schmit	Snyder	Stromer	Warner
Whitney	Wiltse			

Not voting, 3:

R. Lewis Maresh Waldron

The motion lost with 24 ayes, 22 nays and 3 not voting.

Mr. Warner moved the introduction of a new bill by the committee on Education. (Req. No. 1518) The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 995. By Government, Military and Veterans Affairs Committee: Chambers, 11th District, Chairman; Richendifer, 16th District; Barnett, 26th District; Carpenter, 48th District; Fellman, 4th District; Stull, 49th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to counties; to provide a civil service system as prescribed for employees of counties having a population of one hundred fifty thousand to three hundred thousand inhabitants; to define terms; to provide for duties and powers; to provide penalties; and to provide severability.

LEGISLATIVE BILL 996. By Education Committee: Warner, 25th District, Chairman; Kime, 43rd District; Kremer, 34th District; Kelly, 35th District; Dickinson, 31st District; Fowler, 27th District.

A BILL FOR AN ACT to amend sections 79-490 and 79-491, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify provisions; and to repeal the original sections, and also section 79-492, Reissue Revised Statutes of Nebraska, 1943.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

LB 991	Wednesday, February 6, 1974	2:00 p.m.
LB 992	Wednesday, February 6, 1974	2:00 p.m.
LB 993	Wednesday, February 6, 1974	2:00 p.m.
LB 994	Wednesday, February 6, 1974	2:00 p.m.
LB 631	Wednesday, February 13, 1974	2:00 p.m.
LB 681	Wednesday, February 13, 1974	2:00 p.m.
LB 940	Wednesday, February 13, 1974	2:00 p.m.

(Signed) Duke Snyder, Chairman

Public Works

LB 886 Wednesday, February 13, 1974 2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Labor

LB 710 Wednesday, February 6, 1974 2:00 p.m.

LB 807 Wednesday, February 6, 1974 2:00 p.m.

LB 808 Wednesday, February 6, 1974 2:00 p.m.

LB 726 Wednesday, February 13, 1974 2:00 p.m.

LB 775 Wednesday, February 13, 1974 2:00 p.m.

LB 897 Wednesday, February 13, 1974 2:00 p.m.

LB 861 Wednesday, February 20, 1974 2:00 p.m.

LB 881 Wednesday, February 20, 1974 2:00 p.m.

LB 882 Wednesday, February 20, 1974 2:00 p.m.

(Signed) Richard Maresh, Chairman

STANDING COMMITTEE REPORTS**Committee on Committees**

January 29, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

G. William Burrows

Advisory Committee to Public Welfare & Public Institutions

Committee vote: For:(13) Senators Barnett, Chambers, Duis, Epke, Johnson, Luedtke, Nore, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse.

Against: None

Stanley A. Matzke

Director, Department of Administrative Services

Committee Vote: For:(13) Senators Barnett, Chambers, Duis, Epke, Johnson, Luedtke, Nore, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

James M. Jackson
Director, Department of Insurance

Committee Vote: For:(13) Senators Barnett, Chambers, Duis, Epke, Johnson, Luedtke, Nore, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

Banking, Commerce and Insurance

LEGISLATIVE BILL 612. Placed on General File as amended.
Standing Committee amendments to LB 612:

1. On page 2 lines 11 and 12, reinstate the stricken matter, and in line 12 after reinstated word "state" insert "or provide in lieu thereof evidence of extensive appraisal experience acceptable to the commission".

2. On page 2 lines 13, 15, and 18 strike the new matter and reinstate the stricken matter.

3. On page 3 line 8 strike the new matter and reinstate the stricken matter.

4. On page 3 after line 12 insert the following:
"Any person recognized as a Certified Assessment Evaluator by the International Association of Assessing Officers, a member of the Appraisal Institute by the American Institute of Real Estate Appraisers, a Senior Real Estate Analyst, or a Senior Real Property Appraiser by the Society of Real Estate Appraisers will not be required to take the examination as required in subdivision (5) of this section."

(Signed) Fred W. Carstens, Chairman

Agriculture and Environment

LEGISLATIVE BILL 674. Placed on General File as amended.
Standing Committee amendment to LB 674:

1. On page 2 line 5 strike the new matter and in line 7 after "supplier" insert "if it is economically feasible to service and supply the applicant".

(Signed) Loran Schmit, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 649. Placed on General File.

(Signed) Gary Anderson, Vice-Chairman

LEGISLATIVE BILL 765. Placed on General File as amended.

Standing Committee amendment to LB 765:

1. On page 3, line 24 after "chamber" insert ", receiver,".

LEGISLATIVE BILL 766. Placed on General File.

LEGISLATIVE BILL 767. Placed on General File as amended.

Standing Committee amendments to LB 767:

1. On page 5, line 13, strike "contiguous" after the word "on".
2. On page 5, line 14, strike "lands of".
3. On page 5, line 16, strike "five" and insert "five-ten".

(Signed) George Syas, Chairman

MOTION—Introduce Bill

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations (Req. 1536).

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

MOTION—Suspend Rules

Mr. Whitney moved to suspend the rules and introduce seven new bills by the Committee on Nebraska Retirement Systems (Req. 1093, 1261, 1267, 1473, 1474, 1476 and 1554).

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 997. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Marsh, 29th District; Savage, 10th District; Simpson, 46th District; Whitney, 44th District; Nore, 22nd District; Johnson, 15th District; Stahmer, 8th District.

A BILL FOR AN ACT making appropriations for certain agencies of state government for the period July 1, 1974 to June 30, 1975; to recite limits and conditions on the expenditures of funds from the appropriations so made; and to declare an emergency.

LEGISLATIVE BILL 998. By Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; Luedtke, 28th District; F. Lewis, 45th District; Hasebroock, 18th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to the school retirement system; to amend sections 79-1509, 79-1510, 79-1527, 79-1531, 79-1533, and 79-1537, Reissue Revised Statutes of Nebraska, 1943; to provide for mandatory membership; and to repeal the original sections.

LEGISLATIVE BILL 999. By Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; Luedtke, 28th District; Hasebroock, 18th District; Goodrich, 20th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 84-1323.02, Revised Statutes Supplement, 1973, relating to the State Employees Retirement Act; to change provisions relating to a lump sum settlement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1000. By Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; Luedtke, 28th District; Hasebroock, 18th District; Goodrich, 20th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 84-1307, Revised Statutes Supplement, 1973, relating to the State Employees Retirement Act; to change provisions relating to membership of the retirement system as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1001. By Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; Luedtke, 28th District; F. Lewis, 45th District; Hasebroock, 18th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 84-1001, Reissue Revised Statutes of Nebraska, 1943, relating to basic work week; to provide when work shall not be performed; to define permanent and temporary employees; to provide payment for holidays worked; to provide for rules and regulations; and to repeal the original section.

LEGISLATIVE BILL 1002. By Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; Luedtke, 28th District; Hasebroock, 18th District; Goodrich, 20th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 44-1620, 44-1623, 44-1627, and 44-1628, Revised Statutes Supplement, 1973, relating to group insurance; to redefine full-time employee; to change the duties of the Director of

Personnel; to change coverage provisions; to provide that the employees shall have the right to purchase individual life and health insurance through payroll deduction; and to repeal the original sections.

LEGISLATIVE BILL 1003. By Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; Luedtke, 28th District; Hasebroock, 18th District; Goodrich, 20th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 81-1321, 81-1322, and 81-1325, Revised Statutes Supplement, 1973, relating to the state personnel system; to redefine terms; to reinstate sick leave as provided; to provide for accumulated unused sick leave upon retirement, voluntary resignation, or death; and to repeal the original sections.

LEGISLATIVE BILL 1004. By Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; Luedtke, 28th District; F. Lewis, 45th District; Marvel, 33rd District; Hasebroock, 18th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 60-452.01, Revised Statutes Supplement, 1972, relating to the Nebraska State Patrol; to eliminate the twenty year limitation on the widow's benefit as prescribed; and to repeal the original section.

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 616. Placed on General File as amended.
Standing Committee amendment to LB 616:

1. Strike original section 1.
2. Renumber sections 2 to 6 as sections 1 to 5 respectively.

(Signed) John J. Cavanaugh, Vice Chairman

1. Insert two new sections to read as follows:

"Section 1. That section 53-103, Revised Statutes Supplement, 1973, be amended to read as follows:

53-103. Unless the context otherwise requires, the definitions given in this section shall apply in all cases where any one of the defined terms appears in sections 53-101 to 53-1,118.

(1) This act shall be construed as referring exclusively to said sections.

(2) Alcohol shall mean the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and shall include synthetic ethyl alcohol. It shall not include denatured alcohol or wood alcohol.

(3) Spirits shall mean any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and shall include brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances.

(4) Wine shall mean any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

(5) Beer shall mean a beverage obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and shall include, among other things, beer, ale, stout, lager beer, near beer, porter and the like.

(6) Alcoholic liquor shall include the four varieties of liquor above defined, alcohol, spirits, wine, and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer, and capable of being consumed as a beverage by a human being. The provisions of this act shall not apply to (a) alcohol used in the manufacture of denatured alcohol produced in accordance with acts of Congress and regulations promulgated thereunder, (b) flavoring extracts, syrups, or medicinal, mechanical, scientific, culinary, or toilet preparations, or food products unfit for beverage purposes, but shall not be construed to exclude or not apply to alcoholic liquor used in the manufacture, preparation, or compounding of such products, or (c) wine intended for use and used by any church or religious organization for sacramental purposes.

(7) Original package shall mean any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container whatsoever, used, corked, or capped, sealed, and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

(8) Manufacturer shall mean every brewer, fermenter, distiller, rectifier, winemaker, blender, processor, bottler, or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying, or bottling alcoholic liquors as above defined, including a wholly owned affiliate or duly authorized agent for a manufacturer.

(9) Nonbeverage user shall mean every manufacturer of any of the products set forth and described in section 63-160, when the same contains alcoholic liquor, and all laboratories, hospitals, and sanatoria using alcoholic liquor for nonbeverage purposes.

(10) Manufacture shall mean to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle, or fill an original package with any alcoholic liquor, and shall include

blending but shall not include the mixing or other preparation of drinks for serving by those persons authorized and permitted in this act to serve drinks for consumption on the premises where sold.

(11) Distributor, distributorship, wholesaler, or jobber shall mean the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquors for sale or resale to retailers licensed under this act, whether the business of the distributor, distributorship, wholesaler, or jobber is conducted under the terms of a franchise or any other form of an agreement with a manufacturer or manufacturers, or has caused alcoholic liquors to be imported into the state or purchased in the state from a manufacturer or manufacturers and was licensed to conduct such a business by the commission on May 1, 1970, or has been so licensed since that date.

(12) Persons shall mean any natural person, trustee, corporation, partnership, or association.

(13) Retailer shall mean a person who sells, or offers for sale, alcoholic liquors for use and consumption and not for resale in any form.

(14) Sell at retail and sale at retail shall refer to and means sales for use or consumption and not for resale in any form.

(15) Commission shall mean the Nebraska Liquor Control Commission.

(16) Sale shall mean any transfer, exchange, or barter in any manner or by any means whatsoever for a consideration, and shall include all sales made by any person, whether principal, proprietor, agent, servant, or employee.

(17) To sell shall mean to solicit or receive an order for, to keep or expose for sale, or to keep with intent to sell.

(18) Restaurant shall mean any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.

(19) Club shall mean a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used, and maintained by its members through the payment of annual dues, and owning, hiring, or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable

and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing, and serving food and meals for its members and their guests; Provided, that such club files with the local governing body at the time of its application for a license under this act two copies of a list of names and residences of its members, and similarly files within ten days of the election of any additional member his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting, and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members other than the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

(20) Hotel shall mean every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which twenty-five or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

(21) Nonprofit corporation shall mean a corporation, whether located within any incorporated city or village or not, organized under the laws of this state, not for profit, and which has been exempted from the payment of federal income taxes, as provided by section 501 (c), (4), (7) or (8), Internal Revenue Code of 1954, on November 22, 1963.

(22) The words bottle club shall mean an operation whether formally organized as a club having a regular membership list, dues, officers, and meetings or not, keeping and maintaining premises where persons who have made their own purchases of alcoholic liquors congregate for the express purpose of consuming such alcoholic liquors upon the payment of a fee or other consideration, including among other services the sale of foods, ice, mixes, or other fluids for alcoholic drinks and the maintenance of space for the storage of alcoholic liquors belonging

to such persons and facilities for the dispensing of such liquors through a locker system, card system, or pool system, which shall not be deemed or considered a sale of alcoholic liquor. Such operation may be conducted by a club as defined in subdivision (19) of this section, an individual, partnership, or corporation. An accurate and current membership list shall be maintained upon the premises which contains the names and residences of its members.

(23) Minor shall mean any person, male or female, under nineteen years of age, regardless of marital status.

(24) The term brand shall mean alcoholic liquors which are identified as the product of a specific manufacturer.

(25) The terms franchise or agreement when used with reference to the relationship between a manufacturer and distributor, shall include one or more of the following: (a) A commercial relationship of a definite duration or continuing indefinite duration which is not required to be in writing; (b) the relationship whereby the franchisee is granted the right to offer and sell brands thereof by the franchisor; (c) the relationship whereby the franchise, as an independent business, constitutes a component of franchisor's distribution system; (d) the operation of franchisee's business is substantially associated with the franchisor's brand, advertising or other commercial symbol designating the franchisor; and (e) the operation of the franchisee's business is substantially reliant on the franchisor for the continued supply of beer.

(26) The term franchisor shall have the same meaning as the term manufacturer as defined in subdivision (8) of this section.

(27) The term franchisee shall have the same meaning as the terms distributor, distributorship, wholesaler or jobber as defined in subdivision (11) of this section.

(28) The terms territory or sales territory shall mean the franchisee or distributor's area of sales responsibility for the brand or brands of the manufacturer.

(29) Cost shall mean the price of any item of alcoholic liquor to the retailer plus fifteen percent of such price, which is declared as a matter of legislative determination to represent the average minimum overhead necessarily incurred in connection with the sale by the retailer of such item of alcoholic liquor.

(30) Price shall mean the ~~maximum price per case or the price per container if sold in broken case lots based on the case price~~ to the retail licensee contained in the applicable schedules or amendments filed with the commission pursuant to sections 53-168.02 and 53-168.03 by the wholesaler, distributor, or manufacturer ~~for the twelve month period immediately preceding~~

the latest filing of such schedules or amendments from whom the retailer purchases alcoholic liquor and which is in effect at the time the retailer sells or offers to sell such item of alcoholic liquor.

Sec. 2. That section 53-117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-117. The commission shall have the following powers, functions and duties: (1) To receive applications for and to issue and revoke licenses to manufacturers, distributors, non-beverage users, retailers, railroads, including owners and lessees of sleeping, dining and cafe cars, airlines, and boats, in accordance with the provisions of this act; (2) to fix by regulations the standards of manufacture of alcoholic liquors not inconsistent with federal laws in order to insure the use of proper ingredients and methods in the manufacture and distribution thereof; and to establish rules, not inconsistent with federal laws, for the proper labeling of containers or barrels, casks or other bulk containers or bottles of alcoholic liquor manufactured or sold in this state; it is intended by this grant of the power to adopt rules and regulations, that the commission shall be clothed with broad discretionary powers to govern the traffic in alcoholic liquors, and to enforce strictly all the provisions of this act in the interest of sanitation, purity of products, truthful representations and honest dealings in such manner as generally will promote the public health and welfare; and all such rules and regulations shall be absolutely binding upon all licensees and enforceable by the commission through the power of suspension or cancellation of licenses, except that all rules and regulations of the commission affecting a Class H, Class 9 or a club possessing any form of retail license shall have equal application to all such licenses or shall be void; (3) to call upon other administrative departments of the state, county and municipal governments, county sheriffs, city police departments, village marshals, peace officers and upon prosecuting officers for such information and assistance as it may deem necessary in the performance of its duties; (4) to recommend to local governing bodies rules and regulations, not inconsistent with law, for the distribution and sale of alcoholic liquors throughout the state; (5) to submit to the Governor annually on or before December 15, reports of its official acts and recommendations; (6) to inspect, or cause to be inspected, any premises where alcoholic liquors are manufactured, distributed or sold; (7) to permit the sale of alcoholic liquor whenever necessary to avoid practical difficulties or unnecessary hardships to any licensee affected by the provisions of this act or circumstances beyond the control of such licensee at a price which is less than cost and under such terms and conditions as are necessary to carry out the provisions of this act; ~~(7)~~ (8)

to hear and determine appeals from orders of a local governing body in accordance with the provisions of this act, as herein-after set forth; ~~(9)~~ (9) in the conduct of any hearing authorized to be held by the commission, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; and to administer or cause to be administered oaths; ~~(9)~~ (10) to investigate the administration of laws in relation to alcoholic liquors in this and other states, and to recommend from time to time to the Governor and through him to the Legislature of this state, amendments to this act; and ~~(10)~~ (11) to receive, account for and turn over to the State Treasurer state license fees and taxes provided for in this act.

Members of the commission and all persons appointed by them to the office of storekeeper or inspector, as hereafter provided, shall be appointed deputy state sheriffs by the Governor, and, upon qualifying for such office, shall possess all the powers which attach to such office, except that their powers and duties shall be restricted to the enforcement of this act. For any duties as deputy state sheriffs they shall not receive any additional compensation."

2. Renumber original section 1 as section 3.

3. On page 2, lines 14 and 15, strike the words "or to another retailer".

4. Strike original section 2.

5. Renumber original section 3 as section 4.

6. On page 4, line 1, strike "board" and insert "bond".

7. Strike original section 4.

8. Insert 7 new sections to read as follows:

"Sec. 6. No retail licensee authorized to sell alcoholic liquor for consumption off the premises shall sell, offer to sell, solicit an order for, or advertise any item of such alcoholic liquor at a price which is less than cost. The license of any licensee who violates the provisions of this section shall be subject to suspension or revocation in the manner provided in Chapter 53.

Sec. 7. After the effective date of this act: (1) No new retail or bottle club license shall be issued for any location in a county which has more than one such license for each one thousand population according to the most recent federal census or if the issuance of such license would result in a number of such licenses exceeding such ratio; and (2) in any county in which such ratio is already exceeded, no new retail or bottle club license shall be issued to replace any license which is surrendered, revoked, or otherwise terminated so long as such ratio remains or would be exceeded, but this subdivision shall

not prevent the issuance of a new license to a bona fide purchaser of the business and assets of an existing licensee nor to prevent the renewal of any licensee in effect on the effective date of this act.

Sec. 8. A minimum service charge of one dollar and fifty cents is hereby imposed on each case or portion of a case of alcoholic liquor, except beer, sold to a retail licensee, whether the order is picked up at the licensed premises of the seller or delivered to the premises of the purchaser. For purposes of this section, case shall mean any container or receptacle used to protect bottles of alcoholic liquor, except beer, for delivery regardless of size or weight. The amount of such service charge shall be shown on the invoice for the alcoholic liquor purchased and shall be paid by the purchaser at the same time as he pays for alcoholic liquor shown on the invoice. Each order of alcoholic liquor, except beer, moved to one retail licensee from one licensed manufacturer, wholesaler, or distributor shall be in the minimum number of three cases, except that there shall not be a minimum number of cases on an order picked up at the license premises of the seller.

Sec. 9. All deliveries of alcoholic liquor, except beer, made to licensed retail premises shall be made by carriers approved by the Nebraska Liquor Control Commission in accordance with rules and regulations promulgated by the commission. All transportation charges on alcoholic liquor, except beer, delivered to licensed retail premises shall be prepaid by the manufacturer, wholesaler, or distributor. The title to such alcoholic liquor shall vest in the retail licensee when it is delivered by the wholesaler to the retail licensee's designated carrier.

Sec. 10. The minimum service charge imposed by section 8 of this act shall be increased or decreased by the commission if the rates prescribed by the Public Service Commission for the general transportation by common carriers of alcoholic liquor, except beer, are increased or decreased. The Public Service Commission shall furnish to the commission a copy of any order or orders increasing or decreasing such rates. Within thirty days of the effective date of such order or orders, the commission shall order an increase or decrease in the minimum service charge by at least the same percentage as the increase or decrease in such transportation rates. Further, the commission is authorized to increase or decrease the minimum charge based on whether the costs of the wholesalers' business has increased or decreased.

Sec. 11. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 12. This act shall become operative on September 1, 1974."

9. On page 6 strike original section 5.

10. On page 6, strike lines 16 to 20, and insert:

"Sec. 13. That original sections 53-117 and 53-158, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103 and 53-123.04, Revised Statutes Supplement, 1973, are repealed."

(Signed) J. James Waldron, Chairman

LEGISLATIVE BILL 645. Placed on General File.

LEGISLATIVE BILL 682. Placed on General File as amended.
Standing Committee amendment to LB 682.

1. On page 2, line 6 strike "two" and insert "four"; and in line 10 strike "two-year" and insert "four-year".

LEGISLATIVE BILL 716. Placed on General File.

(Signed) John J. Cavanaugh, Vice Chairman

SELECT FILE

LEGISLATIVE BILL 359. E & R amendments found in the Journal on page 385 for the 16th Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 599. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 592, The Murphy pending amendment found in the Journal on page 391 for the Sixteenth day was adopted by a vote of 27 ayes, 0 nays and 22 not voting.

The Stromer pending amendment found in the Journal on page 391 for the Sixteenth Day was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Carpenter offered the following amendment:

79-1108. DISAPPROVAL BY STATE BOARD OF EDUCATION; CLASS I DISTRICT; WITHDRAWAL; TRANSFER OF PROPERTY PROHIBITED; WHEN. No transfer of property from an accredited school district to a nonaccredited school district of any class shall be permitted.

Add after the first sentence of the statute as it now exists the following:

Any action to set aside the transfer of property from an accredited school district to a non-accredited school district shall be commenced.

within four years from the date of the transfer. Otherwise the transfer shall be valid as of the original date of the transfer. This provision shall apply to all transfers made prior to its effectation date.

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules and place LB 986 and LB 987 on General File without a public hearing. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

MOTION—Advise Governor

Mr. Carpenter moved that the Governor advise the Legislature as to his interpretation of the fiscal impact of the bills before the Legislature by setting forth the said impact on the fiscal note required by Rule 5, Sec. 6(c), and further that it is the intent of the Legislature to interpret the impact as stated by the Department of Administrative Services to be an interpretation of impact by the Governor.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

MOTION—Return LB 699 to Select File

Mr. DeCamp moved to return LB 699 to Select File for the following specific amendment:

Amendment to the Anderson amendment

1. On page 2 line 6 after "purpose." insert "No person shall shoot from the roadway onto or across the land of any farmer or landowner or kill, attempt to kill, or retrieve any wildlife or game on such land prior to receiving permission from such farmer or landowner.".

Amendment pending. Laid over at the request of Mr. Syas.

MOTION—Reconsider Action

Mr. Mahoney moved to reconsider action on LB 104 on final reading.

Motion pending. Laid over.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 633	Monday, February 4, 1974	2:00 p.m.
LB 676	Monday, February 4, 1974	2:00 p.m.
LB 687	Monday, February 4, 1974	2:00 p.m.
LB 792	Monday, February 4, 1974	2:00 p.m.

Joint meeting between Public Health & Welfare and
Appropriations Committee — Executive Session,
February 5, 1974 12:30 p.m.

Department of Public Institutions, February 5, 1974 2:30 p.m.

LB 824	Wednesday, February 6, 1974	2:00 p.m.
LB 889	Wednesday, February 6, 1974	2:00 p.m.
LB 984	Wednesday, February 6, 1974	2:00 p.m.

(Signed) Richard D. Marvel, Chairman

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 675. Placed on General File as amended.
Standing Committee amendment to LB 675:

1. On page 2 after line 2 insert:

“Sec. 2. Since an emergency exists, this act shall be in full
2 force and take effect, from and after its passage and approval,
3 according to law.”.

(Signed) Loran Schmit, Chairman

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Nore, the Legislature adjourned until
9:00 a.m., Wednesday, January 30, 1974.

Vincent D. Brown
Clerk of the Legislature

EIGHTEENTH DAY—JANUARY 30, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 30, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

We turn to Thee our God, our help in ages past, our hope for years to come; and we seek Thy divine guidance as we face the stress of decisions, the strain of tasks, the weight of burdens, the call of duty. Unite our minds and our hearts in the mighty purpose of public service that we fail neither man nor Thee. Lead us to do what is right, and may the tyranny of the majority and the tirades of minorities be powerless to sway us from the right as Thou dost give us to see it. Help us to follow the example of Thy divine Son, for all great and noble service in this world is based on gentleness, patience and truth. AMEN.

ROLL CALL

The roll was called and all members were present except Mr. Cavanaugh who was absent until 11:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 409, line 27, correct spelling of "eligible".
The Journal for the Seventeenth Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

January 29, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith Legislative Resolution No. 8 without my signature and with my objections.

Earlier in the day, I had dispatched the attached letter to Senator Maresh, the introducer of the resolution, in the hope that the Legislature might wish to voluntarily recall the resolution.

However, since I have not received word from the Legislature accordingly, and since I must act on this measure today, I am required to take this action.

The objections and comments that I have outlined in the attached letter of January 29 are therefore a part of this message to you.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw
Enc.

January 29, 1974

The Honorable Richard Maresh
Nebraska State Senator,
District 32
State Capitol Building
Lincoln, Nebraska

Dear Senator Maresh:

This is the final day that I may act on Legislative Resolution No. 8. Because of our recent conversations on this matter, and since you are the introducer, please accept this letter as the explanation of my position.

I am not sure that it was necessary that the Legislature even present this resolution to the Governor, but since that action was taken, evidently in bill form, I am required to make a decision.

Since I am unalterably opposed to the concept, I cannot, in good conscience, sign the resolution.

You and the Legislature are entitled to know my objections. All recognize there are two legitimate points of view which deserve exploration.

In my opinion, the theory of the resolution attacks the very fiber of the Federal Constitution that was framed nearly 190 years ago by very wise men. While there have been constructive amendments, the basic document has withstood the test of time.

May I respectfully point out to you and your colleagues that it was the clear and basic intent of those constitutional experts that all the members of the House of Representatives should be elected every two years so that one of the two bodies of the Congress would always remain very close and

ever responsible to the electorate. That was a fundamental concept. As to members of the House communicating with the electorate, I suspect all would concur that was more difficult by horseback in the 18th and 19th Centuries, than by jet aircraft today, to say nothing of our present vastly improved communication and news disseminating techniques.

The Constitution clearly indicates the framers' firm conviction in this regard by the structuring process itself. Please note that in the very beginning, Article I, Sections I and II, the Constitution immediately addresses this prerequisite. Likewise, the founders thereafter recognized the need in Section III for stability by providing for members of the United States Senate to serve for six years before standing for election to insure continuity, checks and balances.

Three of the four controversial "whereas" in LR 8 are obviously primarily designed for the convenience and advantage of the Congressman or candidate as opposed to the interest of the people. The fourth has to do with alleged "tax savings" which actually are non-existent or miniscule at best.

The proposition has been advanced that since State Senators and Constitutional officers are elected for four years, why not representatives? That argument is fallacious since the Legislature is attempting to address itself to the election of Federal officials and to basic concepts of the Constitution of the United States of America. Throughout its structure and implementation, that document unequivocally directs giving the people the right to change the direction of their Federal government at least every two years through election of the complete House of Representatives. Tampering with this basic principle amounts to removing the people further from as direct as practical control of their government. This is democracy in action and should be left unabridged.

The Constitution further holds, in the interests of stability, that the President be elected each four years. Custom developed to allow no President to serve for more than two elected terms. Once that theory was violated, but was quickly restored. Change for the sake of change is not prudent. I call your attention to the "fine tuning" of that historic document by those wise men in the interests of a sound but representative democracy in that two year terms were prescribed for House members, four years for the President, and six for Senators.

LR No. 8 remains on my desk. I am waiting until later in the day for my determination on the measure in order to afford you and your colleagues the option of recalling the resolution for your future disposition. While advising caution, I certainly recognize the rights of the Legislature, without the Governor's approval, to pass any such resolution if that be its wisdom and intent.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

Opinion No. 131
January 29, 1974

Dear Senator Snyder:

You have submitted questions relative to the possible impact of L. B. 950, Nebraska Legislature, Eighty-Third Legislature, Second Session (1974), with your suggested amendments, upon the current salary resolution of the County Board of Commissioners of Douglas County, Nebraska. This resolution, adopted by the Board on January 11, 1974, would set salaries of members of said Board for the years 1975 and 1976. Our comments follow.

The above-mentioned resolution was apparently promulgated pursuant to Section 23-1114, R. S. Supp., 1973, which provides:

"(1) The salaries of all elected officers of the county * * * shall be fixed by the county board at least sixty days prior to the closing of filings of certificates of nomination to place names on the primary ballot for the respective offices, * * *."

The word "shall," as used here, usually indicates a mandatory duty. See, e.g., *Montgomery v. Blazek*, 161 Neb. 349, 73 N. W. 2d 402. In our opinion, the county board has a duty to act prior to the date set by Section 23-114, and thereafter, has no authority to reverse or amend the action it has taken. Thus, on the facts you have stated, the January 11, 1974 action of the county board would seem now to be beyond its present capacity to change.

Additionally, Section 23-1114.07, R. S. Supp., 1973, provides:

"Members of the county board shall set their own annual salary to be paid monthly out of the general fund. * * *."

You have proposed to amend L. B. 950, *supra*, to provide:

"The annual salary of members of the county board of counties of Class 7 shall be set at twelve thousand dollars to be paid monthly out of the general fund; and thereafter, the members of the county board of counties of Class 7 shall set their own annual salary to be paid monthly out of the general funds, subject to voter approval. After January 1, 1974 any proposed increase in salary shall be submitted for the approval of the voters of the county at the first special, primary, or general election to be held in that county after the provisions of section 23-1114 have been complied with."

In general, of course, the Legislature has an extensive authority to regulate the compensation of public officers and employees. See, e.g., *Grace v. County of Douglas*, 178 Neb. 690, 134 N. W. 2d 818. Indeed, the Legislature may, in the absence of a constitutional provision to the contrary, change an officer's compensation during his term.

In *County of Douglas v. Timme*, 32 Neb. 272, 275, 49 N. W. 266, the court stated:

"In the absence of any constitutional prohibition, or affirmative provision, fixing the term of office of any officer or

his compensation, the legislature may change such term or compensation, and such change of term or compensation will apply as well to the officers of any office as to those to be thereafter elected. * * *"

Article III, Section 19, Constitution of Nebraska, however, forbids a change of compensation, during term, of any public officer, although the compensation of the members of a multi-member board may be changed at the beginning of the full term of any member thereof. L.B. 950 does not purport to affect current salaries, but would operate only upon prospective salary increases. Thus, in our opinion, your intent to change the method for setting the salary of county board members is constitutional, even though this may affect an existing salary resolution, so long as it does not affect a salary applicable to a then-existing term.

Whether L.B. 950, as it is presently worded, would affect an election in respect to any salary resolution promulgated prior to the effective date of L.B. 950 is not so clear. L.B. 950 purports to require the electoral approval of only a "proposed increase in salary." A salary resolution sets a real and prospectively effective salary increase, even though the increase is delayed until the commencement of the next succeeding term. This would seem, arguably, to be something other than a "proposed" salary increase. Thus, the word "proposed" may add unnecessary vagueness to this provision.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Calvin E. Robinson
Assistant Attorney General

CER:jc
cc: Vincent D. Brown
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 968. Indefinitely postponed.

(Signed) Fred W. Carstens, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on January 30, 1974, at 9:00 a.m., were the following: LB 66.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment & Review

Correctly Engrossed

The following bills were correctly engrossed: 359 and 599.

Correctly Enrolled

The following bills were correctly enrolled: 438, 508 and 595.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 438, 508 and 595.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 621. Placed on General File as amended.
Standing Committee amendment to LB 621:

1. On page 2 strike the new matter in lines 13 to 18 to the comma and insert "Provided, that the Disabled American Veterans' organization".

LEGISLATIVE BILL 622. Placed on General File as amended.
Standing Committee amendments to LB 622:

1. On page 2, line 5 after "~~who~~" insert "subject to confirmation by the Legislature"; in line 11 strike "and"; in lines 16 and 17 strike ", under the general direction and supervision of the Director of Insurance," and show as stricken; in line 13 after "Association" insert ", and (5) a member from a paid fire department's inspection bureau".

2. On page 3 strike section 3.

3. Renumber original section 4 as section 3.

LEGISLATIVE BILL 689. Placed on General File as amended.
Standing Committee amendment to LB 689:

1. On page 2, lines 8 to 12 strike the new matter and insert "Any certificate of title issued to the local authority as defined in section 60-1904 shall be issued at no cost to such authority.".

(Signed) Ernest Chambers, Chairman

MOTION—Introduce Bill

Mr. Kennedy moved the introduction of a new bill by the Committee on Public Health and Welfare (Req. No. 1388). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1005. By Public Health & Welfare Committee: Kennedy, 21st District, Chairman; Goodrich, 20th District; Schmit, 23rd District; Maresh, 32nd District; R. Lewis, 38th District; F. Lewis, 45th District.

A BILL FOR AN ACT relating to education; to provide resident physician education programs throughout the state; and to provide funding.

MOTION—Suspend Rules

Mr. Skarda moved to suspend the rules and read the final reading bills set for tomorrow. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 92.

A BILL FOR AN ACT to amend sections 43-607 and 43-616.01, Revised Statutes Supplement, 1972, and section 43-611, Revised Statutes Supplement, 1973, relating to handicapped and trainable mentally retarded children; to change allowances for transportation expense; to eliminate a restriction on the number of trips; and to repeal the original sections, and also section 43-616.04, Revised Statutes Supplement, 1972.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Chambers	Clark	DeCamp	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Carpenter Cavanaugh Dickinson Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 396.

A BILL FOR AN ACT to amend sections 72-1240, 72-1246, and 72-1256, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Investment Council; to provide a minimum salary for the state investment officer; to change authorized investments; to change reporting requirements; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 1:

Nore

Not voting, 2:

Cavanaugh Goodrich

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 610.

A BILL FOR AN ACT relating to real property; to amend section 76-902, Reissue Revised Statutes of Nebraska, 1943; to change an exemption to

the documentary stamp act; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Murphy	Nore
Proud	Rasmussen	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Cavanaugh	Goodrich	Marvel	Richendifer
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 695. With emergency.

A BILL FOR AN ACT to amend section 8-821, Revised Statutes Supplement, 1973, relating to banks; to provide that personal loan charges in addition to those permitted by section 8-820 may include the cost of credit life, sickness and accident insurance and the charges permitted by section 8-822; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy

Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Cavanaugh Goodrich Syas

A constitutional two-third majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 490. E & R amendment found in the Journal on page 406 for the Seventeenth Day was adopted.

Advanced to E & R for engrossment.

MOTION—Return LB 699 to Select File

Mr. DeCamp renewed his pending motion to return LB 699 to Select File for the specific amendment found in the Journal on page 430 for the Seventeenth Day.

Mr. F. Lewis moved the previous question. The question is "Shall the debate now close?". The motion prevailed with 25 ayes, 6 nays and 18 not voting.

Mr. DeCamp's motion prevailed with 31 ayes, 1 nay and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 699. The DeCamp pending specific amendment found in the Journal on page 430 for the Seventeenth Day was adopted with 28 ayes, 1 nay and 20 not voting.

Advanced to E & R for Re-Engrossment

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
995	Labor	998	Neb. Ret. Systems
996	Education	999	Neb. Ret. Systems
997	General File	1000	Neb. Ret. Systems

LB	Committee
1001	Neb. Ret. Systems
1002	Neb. Ret. Systems
1003	Neb. Ret. Systems

LB	Committee
1004	Neb. Ret. Systems
1005	Pub. Hlth & Wel.

(Signed) Terry Carpenter, Chairman

Motion—Rule Change

Mr. Duis moved to strike all of Rule 4, insert in lieu thereof as follows:
Section 1. IDENTIFICATION. A resolution shall be designated as Legislative Resolution . Resolutions shall be numbered consecutively for each Legislature.

Sec. 2. All resolutions shall be considered and adopted in the same manner as bills.

Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1

Referred to Rules Committee.

UNANIMOUS CONSENT—Withdraw Motion

Mr. Snyder asked unanimous consent to withdraw the pending motion found in the Journal on page 380 for the Fifteenth Day to withdraw LB 901. No objections. So ordered.

UNANIMOUS CONSENT—Withdraw Names

Mr. Snyder asked unanimous consent to withdraw his name from LB 901. No objections. So ordered.

Mr. Syas asked unanimous consent to withdraw his name from LB 900. No objections. So ordered.

Mr. Savage asked unanimous consent to withdraw his name from LB 902. No objections. So ordered.

MOTIONS—Withdraw Bills

Mr. Kennedy renewed the pending motion found in the Journal on page 387 for the Sixteenth Day to withdraw LB 874. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Stahmer renewed his pending motion found in the Journal on page 390 for the Sixteenth Day to withdraw LB 671. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

MOTION—Approve Appointments

Mr. Whitney asked unanimous consent to vote on the Governor's appointments of G. William Burrows, Stanley A. Matzke and James M. Jackson found in the Journal on page 417 for the Seventeenth Day in one record vote. No objections. So ordered.

Voting in the affirmative, 43:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Feliman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Marsh
Marvel	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney		

Voting in the negative, 0.

Not voting, 6:

Barnett	Cavanaugh	Kime	Maresh	Skarda
Wiltse				

The President declared the appointments confirmed.

MOTION—Place LB 651 on General File

Mr. Waldron moved to place LB 651 on General File notwithstanding the action of the Committee. Motion pending. Laid over.

MOTION—Order of Business

Mr. Carpenter moved to hear LB 772 on General File on Thursday, February 7. The motion prevailed with 26 ayes, 2 nays and 21 not voting.

Mr. Carpenter asked unanimous consent to hear LB 997 on General File on Tuesday, February 12. No objections. So ordered.

MOTION—Suspend Rules

Mr. Chambers moved to suspend the rules for the introduction of a new bill (Req. No. 1546.) The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1006. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 32-530, Revised Statutes Supplement, 1973, relating to elections; to provide that a voter registered as an independent may vote the primary ballot of any political party; and to repeal the original section.

SPEAKER PROUD PRESIDING

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 772. Placed on General File as amended.
Standing Committee amendments to LB 772:

1. On page 3, line 3, strike "1974-75" and insert "1975-76"; line 5, strike "1975-76" and insert "1976-77"; line 8, strike "Each district's current" and insert "Current"; line 9, strike "its"; line 16, insert a new subsection as follows:

"(4) For purposes of the computations required under subsection (3) of this section, the State Department of Education shall establish a schedule of the useful life for all capital equipment. The cost of such equipment shall be distributed on an annual basis for purposes of subsection (3) of this section."; and line 17 strike "(4)" and insert "(5)".

2. On page 4 line 8, strike "1974-75" and insert "1975-76"; line 10 strike "eight" and insert "twenty-two"; line 15 strike "section 11" and insert "sections 11 and 25"; line 16 strike "(5)" and insert "(6)"; and line 22 strike "1975-76" and insert "1976-77".

3. On page 5, line 2, "1975-76" and insert "1976-77"; and line 5, after "(3)" insert "commencing with the 1975-76 school year".

4. On page 6, strike lines 1 through 12 and insert the following:

"(a) In the 1975-76 school year equal to three hundred seventy-five dollars for each pupil in kindergarten, seven hundred fifty dollars for each pupil in grades one to six, eight hundred dollars for each pupil in grades seven and eight, and eight hundred fifty dollars for each pupil in grades nine to twelve; (b) in the 1976-77 school year equal to four hundred dollars for each in kindergarten, eight hundred dollars for each pupil in grades one to six, eight hundred fifty dollars for each pupil in grades seven and eight, and nine hundred dollars for each pupil in grades nine to twelve.".

5. On page 7, line 2, strike "1975-76" and insert "1976-77"; line 26, after "(5)" insert "(a)", after "levy" insert "for 1974-75"; strike "the mill" and insert "twenty mills, and"; line 27 strike "levy that would be required if the total cost throughout" and insert "(b) for 1975-76 and subsequent years, the qualifying mill levy shall be the mill levy that would be required if the total cost throughout".

6. On page 8, line 13, after "apportionment," insert "(5) state".

appropriations received under the provisions of sections 79-1330 to 79-1344,"
strike "(5)" and insert "(6)".

7. On page 10, after line 18, insert a new subsection as follows:

"(2) Special education programs implemented after the 1972-73
school year to meet the requirements of sections 43-604, 43-609,
43-620, 43-625 to 43-627.01, 43-641 to 43-660, 79-202, and 79-444
shall be specifically excluded from current operational expenditures.";
line 19 strike "(2)" and insert "(3)".

8. On page 11, line 9 strike "(3)" and insert "(4)"; and line
 20 strike "(4)" and insert "(5)".

9. On page 12, line 4, strike "(5)" and insert "(6)".

10. On page 14, line 7 strike "May" and insert "September";
 line 12 strike "1974-75 and 1975-76 school years." and insert
"1975-76 school year."; line 13, strike "1974-75" and insert "1975-76";
 line 17, strike "fifteen" and insert "twenty-two"; line 18, strike
"For the 1975-76 school year, such amount shall be"; strike lines
 19 to 21; and line 23, strike "30" and insert "1".

11. On page 15, line 6, strike "30" and insert "1" in
 both places it appears; line 23, strike "May" and insert "September".

12. On page 16, line 1, strike "years 1974-75 and" and insert
"year"; line 2, strike "ten million dollars for"; line 3, strike
"1974-75 and"; line 5, strike "30" and insert "1" in both places
 it appears; line 20, strike "At the time of fixing" and insert
"Each time" line 21 after "rates" strike the comma and insert
"are set or adjusted,".

13. On page 21, strike lines 14 to 24.

(Signed) Jerome Warner, Chairman

GENERAL FILE

LEGISLATIVE BILL 986. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 987. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 293. Title read. Considered

The Standing Committee amendments found in the Journal on page 1103
 for the Sixty-Second Day (First Session) were adopted.

Mr. Simpson asked unanimous consent to withdraw his pending
 amendments Nos. 2 through 7, found in the Journal on page 350 for the
 Thirteenth Day. No objections. So ordered.

The Simpson's pending amendment No. 1, found in the Journal on page
 350 for the Thirteenth Day was adopted.

Mr. Goodrich offered the following amendments which were adopted:

- (1) At Page 11, Section 16, Subsection 2, in Line 26 strike "and not more than" and in Line 27 strike "three months' periodic rent".
- (2) At Page 12, Section 18, Subsection 2, in Line 14 strike the word "accrued".
- (3) At Page 13, Section 19, Subsection 1, in Line 9 insert the word "person" between "the" and "authorized".
- (4) At page 15, Section 21 (1) (f), strike committee amendment 7 and Lines 7, 8, 9, and 10 of original bill and insert "If there exists a minimum housing code applicable to the premises, the landlord's maximum duty under this section shall be determined by Subdivision 21 (1) (a). The obligations imposed by this section are not intended to change existing tort law in the state nor will violations of the obligations of this section be construed as evidence of negligence in any action in tort."
- (5) At page 20, Section 27 (1), Line 7 strike "on" and insert "or".
- (6) At Page 25, Section 33, in Line 23 insert "recoverable under Section 18".
- (7) At Page 30, Section 43 (1) (a), in Line 20 insert "minimum" at end of line after word "a". At Page 31, Section 43 (a), in Line 16 insert "minimum" between "applicable" and "building"; in Line 21 insert "minimum" between "applicable" and "building".
- (8) At Page 32, Section 45, in Line 13 insert "answered and" between "be" and "tried"; Section 46, in Line 18 insert "of the action for possession, answer day for other causes of action, and" between "trial" and the "comma".
- (9) At Page 32, Section 46 insert in the last sentence of committee amendment 17 the words "of the action for possession" between the words "trial" and "shall".
- (10) At Page 33, Section 50 in Line 10 insert "on the date or dates set" between the words "had" and "as"; Section 51, Line 20 strike "to the district court".

At Page 10, Section 15, Lines 21 through 26 inclusive, strike the section.

At Page 12, Section 17, Lines 2 through 5 inclusive, strike the section.

At Page 15, Section 21 (f), Line 11, strike "of single family", Line 12, strike "residence", Line 13, strike "specified in subdivisions (e) and (f)", Line 14, strike "of subsection (1)", Line 16, strike "transaction" and insert agreement and insert at the end of the line "and", Line 17, insert a "period" after "faith" and strike "and not for the purpose of", Line 18, strike "evading the obligations of the landlord", strike Lines 19 through 27; at Page 16, by striking Lines 1 through 3.

At Page 22, Section 29, Lines 1 through 24 inclusive, strike the section.

At Page 34, Section 53, Line 24 strike "January 1, 1974" and insert July 1, 1975.

Mr. Mahoney offered the following amendment which was adopted:

1. On page 12, line 11, insert “, but this subsection shall not be applicable to housing authorities organized or existing under sections 71-1518 to 71-1554” after “appropriate”.

Mr. Carpenter asked unanimous consent to have the Clerk incorporate all the adopted amendments and put the bill in proper form. No objections. So ordered.

Laid over until Tuesday, February 5, at the request of Mr. Simpson.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 680. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 654. Considered.

Mr. Goodrich moved to return LB 654 to the Public Works Committee. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 655. Title read. Considered.

Mr. Carpenter moved to reject the Standing Committee amendments found in the Journal on page 367 for the Fourteenth Day. The motion prevailed with 17 ayes, 0 nays and 32 not voting. The Standing Committee amendments were rejected.

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

LEGISLATIVE BILL 653. Considered.

Mr. Cavanaugh asked unanimous consent to withdraw his pending amendment found in the Journal on page 366 for the Fourteenth Day. No objections. So ordered.

Mr. Goodrich offered the following amendments:

1. Add to Section 25-2502 the following:

(3) Negotiations shall mean communications between representatives of the agency and the property owner or his representatives who are specifically authorized to attempt to reach agreement on terms by which the agency shall acquire such property.

2. At the end of the first sentence of 25-2504, add new sentence:

“Notice of such public hearing shall be published in a legal newspaper of general circulation in the county where the hearing is to be held at least ten days prior to such hearing.”

3. At the end of the first paragraph of 25-2504, add:

"When the proposed acquisition involves property located outside this State, the hearing shall be held at the principal office of the agency."

4. Strike all of Section 25-2505 and insert:

"Any agency acquiring property on a willing buyer-willing seller basis, by gift or devise, or any other form of voluntary transfer shall not be required to give the notice set forth in section 25-2503 if such agency has no planned project involving acquisition of the specific property, or any part thereof, through the use of eminent domain or the agency has no authority to use eminent domain for acquisition of property. However, such agency shall hold a public hearing at least thirty days prior to consummation of the transaction whereby such property is acquired which public hearing and public notice of the same shall comply, where applicable, with section 25-2504."

Amendment pending. Laid over.

LEGISLATIVE BILL 323. Title read. Considered.

Mr. Marvel renewed his pending amendments found in the Journal on page 264 for the Tenth Day.

Mr. Richendifer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays and 21 not voting.

The Marvel amendments were adopted with 36 ayes, 2 nays and 11 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

MESSAGE FROM THE GOVERNOR

January 29, 1974

Mr. Vince Brown, Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 591 and 593, and Legislative Resolution No. 19.

These bills and this resolution were signed by me on January 28, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Print in Journal

Mr. Richendifer asked unanimous consent to print the following amendment to LB 608 in the Journal. No objections. So ordered.

1. On page 2 after line 12 insert a new section as follows:

"Sec. 2. Every county board by January 1, 1975 shall conspicuously post at each abandoned or neglected cemetery or Indian burial ground within their respective jurisdictions a sign or marker designating such area to be abandoned or neglected."

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 812	Thursday, February 7, 1974	2:00 p.m.
LB 823	Thursday, February 7, 1974	2:00 p.m.
LB 842	Thursday, February 7, 1974	2:00 p.m.
LB 948	Thursday, February 7, 1974	2:00 p.m.
LB 950	Thursday, February 7, 1974	2:00 p.m.

(Signed) Ernest Chambers, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
1006	Government, Military and Veterans Affairs

(Signed) Terry Carpenter, Chairman

UNANIMOUS CONSENT—Withdraw Name

Mr. Stahmer asked unanimous consent to withdraw his name from LB 899. No objections. So ordered.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 132
January 28, 1974

Dear Senator Barnett:

You have asked us to examine two sections in a bill of a sister state which would establish a state housing development agency and to advise you of our opinion concerning the constitutionality of these sections

under Nebraska law. Generally, the legislation is aimed at establishing a state agency which would generate construction loans for residential housing.

We have reviewed Section 4. It would establish a housing development agency for public purposes. *Lennox v. Housing Authority*, 137 Neb. 582, 594. What is proposed is a state agency and not a separate corporation and therefore constitutional debt limitations found at Article XIII, Section 1, may be violated. This clear distinction is stated in *State ex rel. Meyer v. Duxbury*, 183 Neb. 302, 303: "This results in the commission being subject to constitutional requirements and restrictions that would not be applicable to a separate corporation." The duties of the proposed commission appear in the last paragraph. While the matter is not free from doubt, the delegation of powers to the proposed agency would appear to be valid for the operation of the agency is limited to the narrow area of the "operation of . . . financial assistance programs . . . to aid in providing adequate housing for lower and moderate income families," and the means to do so is limited by the enumeration of powers in the next section.

Section 14 is predicated upon the agency being financed by a special fund to be raised by revenues generated by the issuance of revenue bonds and notes. Because the Constitution of Nebraska limits the indebtedness of the state, in Article XIII, Section 1, proposals to create debt exempt from that limitation are drafted so that a special fund is created without public moneys or assets being pledged for repayment. In this proposal, however, some public moneys are contemplated to augment the revenue bonds, without any present pledge of the credit of the state.

Although the first paragraph of Section 14 states a total disclaimer that the credit of the state would be pledged in repayment of the bonds and notes and a further total disclaimer that the taxing power would be used in repayment, it does pledge "the revenues," which, according to the second paragraph in that section, may be public moneys.

Moreover, and expressly, public moneys are intended to be "fed" into the special fund. This appears in the "make-up" provision:

"The state of Tennessee shall not be obligated in any manner for any indebtedness that could result in a loss to the state of Tennessee in excess of one hundred fifty million dollars (\$150,000,000.00), notwithstanding any other provisions to the contrary."

It would seem that an affirmative pledge by the Legislature to appropriate general funds to make up any deficiency would violate the constitutional limitation of the state's debt, Article XIII, Section 1. Whether the problem can be avoided by having the present Legislature make a simple request to a future Legislature that funds be then properly appropriated to "make-up" deficiencies is an open question. While it can be argued that the future Legislature is free to reject the request negating the fact that a debt is in fact created, it can also be contended that if any

such funds are then appropriated they will become state general revenues pledged to a debt. We are unable to predict whether or not our Supreme Court would consider such a debt exempted from the limitations of Article XIII, Section 1.

The leading cases in Nebraska are, in addition to the Duxbury case, State ex rel. Meyer v. Steen, 183 Neb. 297; Carr v. Feustermacher, 119 Neb. 172; Kirby v. Omaha Bridge Comm., 127 Neb. 382; and State ex rel. Consumer Public Power Dist. v. Boettcher, 138 Neb. 22, but in none of these has the question of whether the Legislature may "feed" the special fund, (assuming a proper appropriation) been squarely dealt with.

We trust this points out the constitutional issues inherent in these two sections.

Very truly yours,
CLARENCE A. H. MEYER
Attorney General

(Signed) Betsy G. Berger
Assistant Attorney General

BGB:ejg
cc: Mr. Vincent D. Brown

Opinion No. 133
January 29, 1974

Dear Senator DeCamp:

You request our opinion on L. B. 699, Legislature of Nebraska, Eighty-Third Legislature, Second Session (1974). This bill, the so-called "Coyote Bill," would permit the shooting of coyotes from certain public highways. You ask:

"First, is there anything in the law which prevents the coyote hunter from shooting onto the land once the Coyote Bill has been passed even though the coyote hunter does not have the landowner's permission to shoot into the land. * * *."

In general, placing anything on, or over, another person's land, without permission, would constitute a trespass. See, e.g., 87 C.J.S., Trespass, Sec. 13c, p. 966-967. Thus, shooting a bullet onto the lands of another, or going upon the lands to retrieve a dead coyote, would constitute a trespass. The trespasser would be subject to injunction and damages in a private suit brought by the landowner.

Various statutes establish criminal trespasses. For example, Section 37-510, R. R. S. 1943, makes it unlawful to "hunt for" any wild animal on private property, without permission. Sections 28-589 through 28-589.02, R. S. Supp., 1973, forbids anyone to "knowingly enter or be upon" the property of another without permission. Such statutes would prohibit a personal entry onto the lands of another. Further, such statutes

might be construed to include the firing of a bullet onto the land to be a hunting upon, an entry, or a being upon, the land. We must, however, refrain from attempting a conclusive opinion on the issue of criminal trespass because the language of these statutes is not conclusive.

In conclusion of the above, we are of the opinion that the private landowner would have a private cause of action against someone who fires a bullet from a highway onto the lands of another without permission. Of course, property rights need not necessarily be protected by criminal sanctions, and the firing of such bullet onto lands of another may not constitute a criminal trespass under present statutes.

You ask further:

“* * *. The second question is whether an amendment to the Coyote Bill stating that no shooting into or onto the land from the roadside could occur unless permission had been obtained from the farmer would be an appropriate thing to put into the Coyote Bill to prevent shooting onto the land without the landowners permission.”

The appropriateness of a given proposal is, of course, one for the Legislature finally to resolve. However, given the legal uncertainties which we have noted in respect to the present criminal laws, we cannot say that your proposal would be inappropriate in any legal sense.

Yours very truly,
CLARENCE A. H. MEYER

Attorney General

(Signed) Calvin E. Robinson
Assistant Attorney General

CER:jc

cc: Vincent D. Brown

STANDING COMMITTEE REPORTS Public, Health and Welfare

LEGISLATIVE BILL 601. Indefinitely postponed.

LEGISLATIVE BILL 637. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

Labor

LEGISLATIVE BILL 688. Indefinitely postponed.

LEGISLATIVE BILL 636. Placed on General File as amended.

Standing Committee amendment to LB 636:

On page 3, line 1 strike “ninety-two” and insert “ninety-five”; in line 2 reinstate “thereof”; and in lines 2 and 3 strike the new matter; in line 10 strike “thirty” and insert “forty-five”, after

"after" insert "the", and after "certification" insert "of the amounts due"; and in line 11 after "charge" insert "and approval by the governing body".

2. On page 4, line 2 strike "ninety-two" and insert "ninety-five"; in line 3 reinstate "thereof"; and in lines 3 and 4 strike the new matter; in line 10 strike "thirty" and insert "forty-five", after "after" insert "the", and after "certification" insert "of the amounts due"; and in line 11 after "charge" insert "and approval by the governing body".

3. On page 5, line 12 strike "ninety-two" and insert "ninety-five", reinstate "thereof"; and in lines 12, 13, and 14 strike the new matter; in line 21 strike "thirty" and insert "forty-five", after "after" insert "the"; and after "certification" insert "of the amounts due"; in line 22 after "charge" insert "approval by the governing body".

4. On page 7, line 4 strike "ninety-two" and insert "ninety-five"; in line 5 reinstate "thereof"; and in lines 5 and 6 strike the new matter; in line 13 strike "thirty" and insert "forty-five"; and after "after" insert "the"; in line 14 after "certification" insert "of the amounts due"; and after "charge" insert "and approval by the governing body".

5. On page 8 line 11 strike "ninety-two" and insert "ninety-five"; in line 12 reinstate "thereof"; and in lines 12 and 13 strike the new matter; in line 19 strike "thirty" and insert "forty-five"; and after "after" insert "the"; in line 20 after "certification" insert "of the amounts due"; and after "charge" insert "and approval by the governing body".

6. On page 10 line 4 strike "ninety-two" and insert "ninety-five"; in line 5 reinstate "thereof"; and in lines 5 and 6 strike the new matter; in line 14 strike "thirty" and insert "forty-five"; after "after" insert "the"; and after "certification" insert "of the amounts due"; and in line 15 after "charge" insert "and approval by the governing body".

7. On page 11 line 9 strike "ninety-two" and insert "ninety-five"; in line 10 reinstate "thereof"; and in lines 10 and 11 strike the new matter; in line 21 strike "thirty" and insert "forty-five"; after "after" insert "the"; and after "certification" insert "of the amounts due"; and in line 22 after "charge" insert "and approval by the governing body".

**LEGISLATIVE BILL 662. Placed on General File as amended.
Standing Committee amendment to LB 662:**

1. Strike original sections 1 to 4 and insert the following:

"Section 1. All locksmiths, as defined in section 28-596,

- 2 Revised Statutes Supplement, 1972, shall be required to hold a
- 3 valid registration certificate issued by the county clerk in the
- 4 county in which the locksmith's business is located.

- Sec. 2. The county clerk shall provide the registration certificate upon receipt of a fee of five dollars. Every locksmith shall conspicuously display such certificate in his place of business. The application shall be filed in the manner and form prescribed by the Secretary of State, and shall include as a minimum (a) the name of the applicant, (b) the name of the applicant's

7 business, (c) the address of such place of business, (d) whether
8 the applicant has been convicted of violating the laws of any state,
9 other than minor traffic violations, and (e) the name and address
10 of three individuals who have knowledge of the applicant's character,
11 experience, and ability. It shall be the duty of each county
12 clerk to supply each applicant with an application form and to file
13 a copy of each application, which application shall be public in-
14 formation.

Sec. 3. The registration certificate shall remain valid until
2 such time as the name of the individual, the name of the place of
3 business, or the address of the place of business changes. At the
4 time of such change a new registration shall be required.

Sec. 4. Any person, firm, or corporation who fails to acquire a
2 valid registration certificate pursuant to the provisions of this
3 act shall be guilty of a misdemeanor and shall, upon conviction
4 thereof, be punished by a fine of not less than one hundred dollars
5 nor more than five hundred dollars."

LEGISLATIVE BILL 665. Placed on General File as amended.
Standing Committee amendment to LB 665:

1. On page 2, line 9 after "more" insert "full-time".
2. On page 3 after line 4 insert "(f) Children who are in ele-
2 mentary or secondary education," in line 5 reinstate the stricken "(g)"
3 and strike "(f)"; in line 6 strike "or"; in lines 7 and 8 reinstate the
4 stricken matter; and in line 9 reinstate the stricken "(i)" and strike
5 "(g)".

(Signed) Richard Maresh, Chairman

VISITORS

President Marsh introduced 30 students, their teacher, Mrs. Lee Cording
and one mother, Mrs. Morris, from Cathedral School, Lincoln, Nebraska.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned
until 9:00 a.m., Thursday, January 31.

Vincent D. Brown
Clerk of the Legislature

NINETEENTH DAY—JANAURY 31, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 31, 1974

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

Eternal Father, to Thee we commend this Commonwealth and its leaders. Bless, we beseech Thee, its highest officer and its lowliest employee that according to their talents each may be sanctified and rewarded for their service. Make Thy plans and Thy will plan to all of us that the laws enacted here will be eminently suitable to our times and our people. Keep us from pride when we are successful; from bitterness when we are in distress; from complaints when we are in want; from despair when we seem to be the victims of injustice.

We are the guardians of the great American hope of noble self-government. If we fail to achieve it at times such as the present, when we witness bitterness that makes us blush with shame, there is no reason to give up hope. We must try, and keep trying. We shall never give up hope. The ideal is too good, too great, too noble to be lost for lack of trust. In God we trust, now, tomorrow, always. AMEN.

ROLL CALL

The roll was called and all members were present except Mr. Anderson who was excused and Mr. F. Lewis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

UNANIMOUS CONSENT—Members Excused

Mr. Anderson asked unanimous consent to be excused tomorrow. No objections. So ordered.

Mr. R. Lewis asked unanimous consent to be excused at 10:30 a.m. today and all day tomorrow. No objections. So ordered.

STANDING COMMITTEE REPORTS**Revenue**

LEGISLATIVE BILL 804. Placed on General File.

(Signed) J. W. Burbach, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on January 31, 1974, at 8:45 a.m., were the following: LB 438, LB 508 and LB 595.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 490. Replaced on Select File as amended. Standing Committee amendments to LB 490:

1. In E & R 4, line 2, insert "the second" after "after".

2. In new section 1, line 27, strike the second comma.

LEGISLATIVE BILL 699. Replaced on Select File as amended. Standing Committee amendment to LB 699:

1. In the title insert "to prohibit certain actions;" at the end of line 4 as amended.

Correctly Enrolled

The following bills were correctly enrolled: 92, 396, 610 and 695.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 92, 396, 610 and 695.

MOTION—Introduce Bill

Mr. Barnett moved the introduction of a new bill by the committee on Government, Military and Veterans Affairs (Req. No. 1564). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1007. By Government, Military and Veterans Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Stull, 49th District; DeCamp, 40th District; Richendifer, 16th District.

A BILL FOR AN ACT to amend sections 23-322, 23-324.01, and 23-324.05, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to provide for a purchasing agent in counties having one hundred fifty thousand inhabitants and to require duties of the county clerk in such counties; to change provisions relating to competitive bidding as prescribed; and to repeal the original sections.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 323.

(Signed) Roland Luedtke

MOTION—West Capitol Entrance

Mr. Carpenter moved that we request of Mr. Short, the Building Superintendent, to open the west doors of the Capitol when the workmen are not working. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules and read the Final Reading bills set for tomorrow. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 432A.

A BILL FOR AN ACT to appropriate ninety-four thousand nine hundred sixty-five dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the State Department of Education, Agency No. 13 for Program 401, Nebraska School for the Deaf, to aid in carrying out the provisions of Legislative Bill 432, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Savage	Schmit
Simpson	Skarda	Snyder	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0:

Not voting, 4:

Anderson F. Lewis Richendifer Stahmer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 432. With Emergency.

A BILL FOR AN ACT relating to the State Department of Education; to provide for an educational program for acoustically handicapped children as prescribed; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebrook	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Anderson F. Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

NOTICE OF COMMITTEE HEARING

Miscellaneous Subjects

LB 982	Thursday, February 7, 1974	2:00 p.m.
LB 983	Thursday, February 7, 1974	2:00 p.m.

(Signed) J. James Waldron, Chairman

UNANIMOUS CONSENT—Change in Hearing Rooms

Mr. Waldron asked unanimous consent to use the West Chamber this afternoon for the Miscellaneous Subjects Committee hearing. No objections. So ordered.

UNANIMOUS CONSENT—Members Excused

Speaker Proud asked unanimous consent to be excused February 5 and 6, 1974. No objections. So ordered.

Mr. Luedtke asked unanimous consent to be excused this afternoon and tomorrow. No objections. So ordered.

MOTION—Place LB 651 on General File

Mr. Waldron renewed his pending motion found in the Journal on page 443 for the Eighteenth Day to place LB 651 on General File

notwithstanding the action of the committee.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 0 nays and 15 not voting.

The Waldron motion prevailed with 25 ayes, 11 nays and 13 not voting.

UNANIMOUS CONSENT—Bracket LB 651

Mr. DeCamp asked unanimous consent to bracket LB 651 on General File. No objections. So ordered.

UNANIMOUS CONSENT—Members Excused

Mr. Marvel asked unanimous consent to be excused at 10:00 a.m. for the remainder of the day. No objections. So ordered.

Mr. F. Carstens asked unanimous consent to be excused tomorrow. No objections. So ordered.

ANNOUNCEMENT

Mr. Duis announced that Mr. Marvel's mother-in-law had passed away.

GENERAL FILE

LEGISLATIVE BILL 613. Bracketed until Tuesday, February 5 at the request of Mr. Carpenter.

LEGISLATIVE BILL 334. Laid over at the request of Mr. Cavanaugh.

LEGISLATIVE BILL 626. Title Read. Considered.

Standing committee amendments found in the Journal on page 389 for the Sixteenth Day were adopted.

Advanced to E & R for review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 653. Title read. Considered.

Mr. Cavanaugh offered the following amendment to the Goodrich pending amendments found in the Journal on page 447 for the Eighteenth Day.
Para 2, Sec. 25-2504, Add

The agency shall hear and consider any objections from any person.
Strike: "The Agency shall hear and consider any objections from the persons to be affected."

The Cavanaugh amendment was adopted.

The Goodrich amendment, as amended, was adopted.

Advanced to E & R for review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 729. Title read. Considered.

Bracketed until Wednesday, February 6 at the request of Mr. Rasmussen.

Mr. Stull asked unanimous consent to add his name to LB 729. No objections. So ordered.

LEGISLATIVE BILL 730. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 704. Title read. Considered.

Advanced to E & R for review with 29 ayes, 1 nay and 19 not voting.

MESSAGE FROM THE GOVERNOR

January 31, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

There are evidently strong sentiments in Washington to recognize the error of their ways on the implementation of year-round daylight savings time legislation.

Most of us felt, and publicly stated, that the dictates by the President and Congress in this area were valueless from the standpoint of energy savings.

I made repeated pleas to federal officials to obtain permission for Nebraska to be exempted at least during the winter months. Federal officials were adamant in their opposition, and maintained such was not possible under the law as passed.

May I courteously suggest that the Legislature pass a resolution, in conjunction with the Governor, recommending to the President, the Congress, and all Federal officials the return to standard daylight savings time patterns or at least allow Nebraska and other states the option of

remaining on Central Standard Time during the winter months.

Sincerely,

(Signed) J. James Exon
Governor

JJE:fw

SPEAKER PROUD PRESIDING

GENERAL FILE

LEGISLATIVE BILL 609. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 652. Title read. Considered.

Standing Committee amendment found in the Journal on page 396 for the Sixteenth Day was withdrawn at the request of Mr. Snyder.

PRESIDENT MARSH PRESIDING

Mr. Carpenter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 703. Title read. Considered.

Standing Committee amendment found in the Journal on page 396 for the Sixteenth Day was adopted.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

SPEAKER PROUD PRESIDING

LEGISLATIVE BILL 598. Title read. Considered.

Standing Committee amendment found in the Journal on page 404 for the Seventeenth Day was adopted.

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 611. Title read. Considered.

Mr. Whitney offered the following amendment which was adopted:
Section 1, page 4, line 12, strike "30 days" and insert "60 days"

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 717. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 762. Title read. Considered.

Mr. Mahoney offered the following amendment:

1. Page 4, line 18, after "handicapped" insert "; provided such transportation shall not cost such person in excess of ten cents".

Mr. Carpenter offered the following substitute amendment for the Mahoney amendment:

Page 4, line 18 add new sentence:

Any governmental subdivision shall provide such transportation at a cost not in excess of 10 cents per person.

Amendment pending. Laid over.

REFERENCE COMMITTEE REPORT

LB **Committee**
1007 **Labor**

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARINGS Education

LB 996 Monday, February 18, 1974 2:00 p.m.

(Signed) Jerome Warner, Chairman

Appropriations

Executive Session, February 7, 1974	2:00 p.m.
Executive Session, February 8, 1974	2:00 p.m.
Department of Public Welfare, February 11, 1974	2:00 p.m.
State Colleges, February 12, 1974	2:00 p.m.
University of Nebraska, February 13, 1974	2:00 p.m.
Voc-Technical Colleges, February 14, 1974	2:00 p.m.
Executive Session, February 18, 1974	2:00 p.m.

Executive Session, February 19, 1974	2:00 p.m.
Department of Administrative Services, February 20, 1974	2:00 p.m.
Department of Corrections, February 21, 1974	2:00 p.m.
Executive Session, February 22, 1974	2:00 p.m.
Capital Construction, February 25, 1974	2:00 p.m.
Capital Construction, February 26, 1974	2:00 p.m.
Executive Session, February 27, 1974	2:00 p.m.
Executive Session, February 28, 1974	2:00 p.m.

(Signed) Robert Clark, Vice Chairman

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 663. Indefinitely postponed.

LEGISLATIVE BILL 712. Placed on General File as amended.

Standing Committee amendments to LB 712:

1. Add a new section 2 to read as follows:

"Sec. 2. No service or partial or total reimbursement provided by the provisions of section 1 of this act shall be provided a psychologist who is not certified by the State Board of Examiners of Psychologists as qualified to practice clinical psychology in Nebraska."

2. Renumber original section 2 as section 3.

LEGISLATIVE BILL 851. Placed on General File as amended.

Standing Committee amendments to LB 851:

1. On page 2, line 5 strike "nine" and insert "nine twelve".
2. On page 2, lines 9 to 15 strike the new matter and on line 15 after the stricken word "limitation" insert "that it is lawful to contract for and receive any rate or amount of interest or compensation with respect to the following transactions: (a) Any loan made to a corporation, and (b) any loan made to a person, partnership or association when the original amount of the principal indebtedness is fifty thousand dollars or greater. The limitations"; and on line 15 reinstate "on the rate of interest"; and on line 16 reinstate the stricken matter.

3. On page 2, line 22 strike the old matter starting with the semicolon and show as stricken matter, and strike lines 23 to 27 and show the old matter as stricken.

4. On page 3, strike lines 1 to 3 to the period in line 3 and show as stricken matter and insert the following: "All reasonable and necessary costs and charges incurred by the lender in connection with the making, closing, disbursing, servicing, extending or renewing of a loan shall not be deemed to be a part of the interest collected for such loan. Reasonable and necessary costs and charges shall include but not be limited to the following: Discounts paid by others than the borrower; prepayment charges; late charges; premiums for hazard, mortgage,

life or title insurance; fees for escrow, appraisal, abstracting, title examination, surveys, credit reports and recording of documents; origination fees; interest on interest after default; and in the case of construction loans, costs and charges incurred for determining qualification for disbursement of the loan proceeds."

5. On page 3, line 10 strike "nine per cent per annum" and show as stricken matter and insert "the amounts permitted by section 45-101,".

6. On page 3, line 23 strike "; and" and insert "and" and strike lines 24 to 27 and show the old matter as stricken.

7. On page 4 strike lines 1 to 4 and show the old matter as stricken.

LEGISLATIVE BILL 912. Placed on General File as amended.
Standing Committee amendment to LB 912:

1. Strike sections 1 and 2 and insert:

"Section 1. Any bank, building and loan association or savings and loan association may accept investments in savings accounts or shares in the name of any administrator, executor, custodian, conservator, guardian, trustee, or other fiduciary for a named beneficiary or beneficiaries. Any such fiduciary shall have the power to open, make additions to, and withdraw any such account in whole or in part, or to purchase such shares, purchase additional shares, or sell all or any part of such shares, and any such fiduciary who is the owner of shares shall have power to vote as a member as if the membership were held absolutely. The withdrawal value of any such account or shares, and earnings thereon, or other rights relating thereto may be paid or delivered, in whole or in part, to such fiduciary without regard to any notice to the contrary as long as such fiduciary is living. The payment or delivery to any such fiduciary or a receipt or acquittance signed by any such fiduciary to whom any such payment or any such delivery of right is made shall be a valid and sufficient release and discharge of the bank or association for the payment or delivery so made. Whenever a person holding an account or shares in a fiduciary capacity dies and no written notice of the revocation or termination of the fiduciary relationship shall have been given to the bank or association and the bank or association has no written notice of any other disposition of the beneficial estate, the withdrawal value of such account or shares, and earnings thereon, or other rights relating thereto may, at the option of the bank or association, be paid or delivered, in whole or in part, to the beneficiary or beneficiaries. Whenever an account or share shall be designated by any person,

describing himself in opening such account, or acquiring such share, as trustee for another and no other or further notice of the existence and terms of a legal and valid trust than such description shall have been given in writing to the bank or association, or whenever an account is opened or shares are acquired, specifically designated as a trust account or share held in trust and which contains a trust agreement as a part thereof, in the event of the death of the person so described as trustee, the withdrawal value of such account or shares or any part thereof, together with the earnings thereon, may be paid to the person for whom the account or shares are so described. The payment or delivery to any such beneficiary, beneficiaries or designated person, or a receipt or acquittance signed by any such beneficiary, beneficiaries or designated person for any such payment or delivery shall be a valid and sufficient release and discharge of the bank or association for the payment or delivery so made. No bank or association paying any such fiduciary, beneficiary or designated person in accordance with the provisions of this section shall thereby be liable for any estate, inheritance or succession taxes which may be due this state."

LEGISLATIVE BILL 944. Placed on General File as amended. Standing Committee amendment to LB 944:

1. On page 4, line 3 strike " , or " and show as stricken; strike line 4 and show old matter as stricken; and on lines 13 and 14 strike " , or ~~fifteen~~ thirty thousand dollars, whichever is the least " and show the old matter as stricken.

(Signed) Fred W. Carstens, Chairman

MOTION—Suspend Rules

Mr. Luedtke moved to suspend the rules for the introduction of 2 new bills by the Committee on Judiciary. Req. 1529 relates to Out-of-State Incarceration and Req. 1551 relates to removal of recommendation for work release.

Mr. Luedtke moved to suspend the rules for the introduction of two new bills by the Committee on Judiciary (Req. Nos. 1529 and 1551).

Mr. Luedtke moved for a Call of the House. The motion prevailed with 16 ayes, 2 nays and 31 not voting.

The Call showed 33 members present.

Mr. Carpenter moved the Call be raised. The motion prevailed with 20 ayes, 19 nays and 10 not voting.

The Luedtke motion lost with 28 ayes, 8 nays and 13 not voting.

VISITORS

President Marsh introduced former Senator Elvin Adamson from Valentine.

President Marsh introduced 7 students and their teacher Mrs. Polly, from Pershing School, Lincoln, Nebraska.

ADJOURNMENT

At 12:18 p.m., on a motion by Mr. Wiltse, the Legislature adjourned until 9:00 a.m., Friday, February 1, 1974.

Vincent D. Brown
Clerk of the Legislature

TWENTIETH DAY—FEBRUARY 1, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 1, 1974

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

We stand by our desks and bow our heads in prayer on the first day in yet another month, O Lord, our God; and as the days and weeks continue to roll on, and our labors here find their mark (or fail to do so!) we, nevertheless, still feel need of the scriptural reminder that:

“Except the Lord build the house, They labor in vain that build it.”

So many forces are at work in our midst these days as we get ready for an election. Strengthen such forces, we ask, which serve to unite us in the real mission of this House; but weaken any which might serve to divide us and nullify our efforts.

When we sincerely seek to do right, make it plain to us. And keep us alert to Your will through that still, small voice of conscience. AMEN.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, F. Carstens, R. Lewis and Luedtke who were excused and Mr. F. Lewis who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 457, line 8, after “By” insert “Government, Military & Veterans Affairs Committee”.

The Journal for the Nineteenth Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

January 31, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 66.

This bill was signed by me on January 30, 1974 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302 passed in the 1965 Session of the Legislature, the attached is a list of all lobbyists who have registered from January 18, 1974 thru January 31, 1974. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Binning, John H. - Lincoln, First Greatwest Corporation
Busler, Steven E. - Lincoln, University of Nebraska (Lincoln) Young Democrats
Crosby, George - Lincoln, Capitol Association for Retarded Children
Curry, Douglas L. - Lincoln, Nebraska Sheriff's & Peace Officer's Association
Lancaster County Employees Association
Doyle, John R. - Lincoln, Nebraska Equipment Distributors Association
Haywood, J. Duane - Omaha, Communications Workers of America, AFL-CIO
Head, Steven R. - Lincoln, Lincoln Action Program
Johnson, Joseph E. - Anselmo, Mid-Nebraska Wildlife Club, Inc.
Noren, Charles F. - Lincoln, Nebraska Chapter Institute of Architects, Nebraska Nursing Home Association, Inc., Roberts Dairy Company, (Inactive) Air Transport Association, (Inactive) Citizens For Good Government, (Inactive) Matthew & Wright, Inc., (Inactive) Nebraskans For State Office Building, (Inactive) Nebraska Press Association, (Inactive) Nebraska State School Boards Association

Peterson, Robert F. -- Lincoln, Lincoln Education Association
Plant, J. James -- Lincoln (Removed) Represents Self
Ryan, James -- Lincoln, The Nebraska Automatic Merchandising
Association Nebraska County Bottle Club Association
Tews, David D. -- Lincoln, Nebraska Chapter Institute of Architects,
Nebraska Nursing Home Association, Inc., Roberts Dairy Co., (Inactive)
Air Transport Association, (Inactive) Citizens For Good Government,
(Inactive) Matthew & Wright, Inc., (Inactive) Nebraskans For State Office
Building, (Inactive) Nebraska Press Association, (Inactive) Nebraska State
School Boards Association
Van Valkenburg, Robert J. -- Lincoln, (Inactive) Matthew & Wright,
Inc.
Weber, Audrey K. -- Lincoln, Common Cause
Williams, Franklin J. -- Omaha (Inactive) Omaha Education
Association
Wunderlich, LaRue -- Roca, Women's Lobby, Inc., Nebraska
Wylie, Wm. -- Elgin, Nebraska Association of Mutual Insurance Agents
Yetter, Walter L. -- Lincoln, Lincoln Chamber of Commerce

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 1, 1974, at 8:35 a.m.:
LB 92, LB 396, LB 610, and LB 695.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS **Enrollment and Review**

Correctly Enrolled

The following bills were correctly enrolled: 432 and 432A.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business,
the President signed the following bills: 432 and 432A.

NOTICE OF COMMITTEE HEARINGS **Telecommunications**

LB 892 Monday, February 11, 1974

1:00 p.m.

(Signed) Robert L. Clark, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 592. Replaced on Select File as amended.
E & R amendments to LB 592:

1. In lieu of the Murphy amendments, in new section 4, line 2, strike "shall" and insert "may"; in line 25 as amended strike "and"; in line 29 strike the period and insert "; and"; and after line 29 insert:

"(4) If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all so filed may be considered to be nominated and no primary election for their nomination shall be required."

2. In lieu of the first Stromer amendment adopted 1/29/74, in the Carpenter amendments found on pages 238-239 of the Journal, line 32, strike "six" and "three" and in each instance insert "four"; in line 34 strike "three" and insert "five"; and insert an underscored period after "appointment" in line 36 and strike the remainder of the sentence.

3. Strike the E&R amendment to line 34 of the Carpenter amendments found on pages 238-239 of the Journal.

4. In lieu of the second Stromer amendment adopted 1/29/74, in section 4, line 31, insert "four or five members shall be elected" after "and"; and in line 32 insert "for terms of four years" after "election".

5. In lieu of the third Stromer amendment adopted 1/29/74, in section 8, line 11 insert "three of" after the comma; and at the end of line 12 insert "after the adoption of such resolution, the county clerk or election commissioner, with the assistance of the secretary of the board of education, shall determine the length of the term for which candidates shall be nominated and elected.".

6. In lieu of the Carpenter amendment adopted 1/29/74, insert a new section to read:

"Sec. 9. That section 79-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1108. No transfer of property from an accredited school district to a nonaccredited school district of any class shall be permitted. Any action to set aside the transfer of property from an accredited school district to a nonaccredited school district shall be commenced within four years from the date of the transfer, otherwise the transfer shall be valid as of the original date of the transfer. This provision shall apply to all transfers

made prior as well as subsequent to the effective date of this act.”.

7. Renumber original sections 3 and 4 as sections 10 and 11.

8. In new section 1, lines 18 and 19, strike the comma and show the same as stricken.

9. In section 4, lines 20, 23, 25, 28, and 29, insert an underscored comma after “January”.

10. In section 8, line 2, strike “their”.

11. On page 3, line 19, insert “section 79-1108, Reissue Revised Statutes of Nebraska, 1943,” after “original”.

12. In the title, line 2, insert “section 79-1108, Reissue Revised Statutes of Nebraska, 1943,” after “amend”; and in line 4 insert “to provide a statute of limitations; to provide for the validation of transfers of property;” after the semicolon.

LEGISLATIVE BILL 986. Placed on Select File.

LEGISLATIVE BILL 987. Placed on Select File.

LEGISLATIVE BILL 680. Placed on Select File as amended. E & R amendment to LB 680:

1. On page 2, line 19, strike the comma and show the same as stricken.

LEGISLATIVE BILL 655. Placed on Select File as amended. E & R amendment to LB 655:

1. On page 2, lines 4, 7, 18, and 26, page 3, lines 5 and 16, and page 4, line 4, strike “cities” and insert “any city”.

LEGISLATIVE BILL 323. Placed on Select File as amended. E & R amendments to LB 323:

1. In the Marvel amendment, line 9, strike “Nebraska-Lincoln” and insert “Nebraska at Lincoln”; and strike the new matter in lines 14 and 15 and insert “for the period of service as student body president.”.

2. On page 3, insert “nonvoting” at the end of line 20.

3. In the title, line 5, insert “nonvoting” after “for”.

(Signed) John J. Cavanaugh, Chairman

MOTION—Override Veto on LR 8

Mr. Fellman moved to override the Governor's Veto on LR 8. Motion pending. Laid over.

RESOLUTIONS**LEGISLATIVE RESOLUTION 111.**

Introduced by Savage, 10th District.

WHEREAS: The State of Nebraska has proven through a model demonstration project that Interstate Highway attraction signs provide an effective and acceptable means of communicating with the Interstate Traveler, and

WHEREAS: It is clearly in the national and local public interest to advise the Interstate traveler concerning the local scenic natural and historic public attractions of the several states, and

WHEREAS: The diversions and relaxations resulting from travelers leaving the Interstate system at appropriate times to visit these attractions contributes to his safety and that of others, and

WHEREAS: During the summers of 1972 and 1973, an annual increase of up to 3.3 million dollars in additional expenditures by non-resident tourists in Nebraska was directly attributable to the influence of these attractions signs, and

WHEREAS: It has been further demonstrated that both resident and nonresident travelers often preferred to remain in Nebraska in preference to previously planned longer trips, and

WHEREAS: These decisions not to travel longer distances should be further encouraged to the maximum extent possible as a valuable and proven means of effecting a voluntary and acceptable reduction in motor vehicle fuel consumption, and

WHEREAS: The Federal Highway Administrator of the United States Department of Transportation has, through his own administrative authority, determined that these Nebraska attractions signs shall be removed from the right-of-way of the Interstate system by June 1, 1974, and

WHEREAS: To require removal of these signs to a more remote location would incur an unwarranted expense to the State, and would detract from their effectiveness in providing the aforementioned benefits to the traveling public,

BE IT THEREFORE RESOLVED THAT: The Eighty-Third Session of the Nebraska Unicameral hereby petitions Federal Highway Administrator Norbert T. Tiemann, on behalf of this Legislative body and the Governor of the State of Nebraska to reconsider his decision which requires the removal of these attraction signs from the Interstate right-of-way, and

BE IT FURTHER RESOLVED: That he authorize them to remain in place at least on a year-to-year basis so that the public and all other interested persons and groups may evaluate the merits thereof, and

BE IT FURTHER RESOLVED: That the Nebraska program should be officially recognized as a model program, to be emulated by the remaining states, and that the Federal Highways Administrator accordingly take the required steps to enable the remaining states to initiate similar programs, and

BE IT FINALLY RESOLVED: That the Nebraska Unicameral directs a copy of this resolution to United States Secretary of Transportation Claude S. Brinegar, Federal Highway Administrator Norbert T. Tiemann, to Nebraska Senators Carl T. Curtis and Roman L. Hruska, and to Nebraska Congressmen Dave Martin, John Y. McCollister and Charles Thone.

SELECT FILE

LEGISLATIVE BILL 490. E & R amendments found in the Journal on page 456 for the Nineteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 699. E & R amendment found in the Journal on page 456 for the Nineteenth Day was adopted.

Advanced to E & R for Re-engrossment.

STANDING COMMITTEE REPORT Public Works

LEGISLATIVE BILL 763. Placed on General File.

LEGISLATIVE BILL 797. Indefinitely postponed.

LEGISLATIVE BILL 749. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

MOTION—Suspend Rules

Mr. Whitney moved to suspend the Rules for the introduction of two new bills by the committee on Judiciary (Reqs. 1529 – 1551). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1008. By Judiciary Committee: Luedtke, 28th District, Chairman; Richendifer, 16th District; Chambers, 11th District; Fellman, 4th District; Carpenter, 48th District; Barnett, 26th District; DeCamp, 40th District.

A BILL FOR AN ACT to adopt the Out-of-State Incarceration Amendment to the Uniform Out-of-State Parolee Supervision Compact.

LEGISLATIVE BILL 1009. By Judiciary Committee: Luedtke, 28th District, Chairman; Chambers, 11th District; Fellman, 4th District; Richendifer, 16th District; Carpenter, 48th District; Barnett, 26th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 83-184, Reissue Revised Statutes of Nebraska, 1943, relating to the Division of Corrections; to delete Board of Parole recommendations; to allow certain visits outside the state; to permit attendance at a school or university; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 762. Considered.

Mr. Mahoney asked unanimous consent to withdraw his amendment found in the Journal on page 463 for the Nineteenth Day. No objections. So ordered.

The Carpenter pending amendment found in the Journal on page 463 for the Nineteenth Day was renewed.

Speaker Proud offered the following amendment to the Carpenter amendment:

Amend the Carpenter substitute amendment by striking the words "a cost not in excess of 10 cents per person" and inserting no cost.

Mr. Cavanaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays and 16 not voting.

The Proud amendment lost with 7 ayes, 31 nays and 11 not voting.

Mr. Goodrich offered the following amendment to the Carpenter amendment:

Amend L.B. 762 to include a provision to the effect that the state will also provide the cost of transportation.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 2 nays and 16 not voting.

The Goodrich amendment lost with 8 ayes, 23 nays and 18 not voting.

Mr. Carpenter requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Barnett	Burbach	Carpenter	C. Carsten	Cavanaugh
Chambers	DeCamp	Epke	Fellman	Fowler
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Mahoney	Maresh	Marsh	Marvel	Moylan
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Waldron			

Voting in the negative, 18:

Clark	Dickinson	Duis	Johnson	Kime
Kremer	F. Lewis	Murphy	Nore	Proud
Rasmussen	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Not voting, 4:

Anderson	F. Carstens	R. Lewis	Luedtke
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The Carpenter amendment prevailed with 27 ayes, 18 nays and 4 not voting.

Mr. Snyder asked unanimous consent to add the name of Mr. Mahoney as co-introducer to LB 762. Mr. Chambers objected.

Mr. Snyder moved to suspend the rules and add Mr. Mahoney's name to LB 762.

Mr. Stull moved the last remarks of Mr. Mahoney to Mr. Snyder be stricken from the records.

Mr. Stull asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. Snyder made a motion to suspend the rules and add Mr. Mahoney's name. The Chair ruled the motion out of order.

Mr. Snyder appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 5 ayes, 26 nays and 18 not voting.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 334. Bracketed until Friday, February 8 at the request of Mr. Cavanaugh.

LEGISLATIVE BILL 806. Title read. Considered.
Standing Committee amendment found in the Journal on page 405 for the Seventeenth Day was adopted.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 827. Title read. Considered.
Standing Committee amendment found in the Journal on page 405 for the Seventeenth Day was adopted.

Mr. Kremer offered the following amendment to the Standing Comm. Am:
line 3 ~~not less than five~~
line 4 ~~dollars nor not~~

Amendment pending.

Bracketed until February 7 at the request of Mr. Moylan.

REFERENCE COMMITTEE REPORT

LB	Committee
1008	Judiciary
1009	Judiciary

(Signed) Terry Carpenter, Chairman

MOTION—Suspend Rules

Mr. Stull moved to suspend the rules to hold a public hearing on LB 1008 and LB 1009 on Wednesday, February 6, 1974. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

MOTION—Withdraw LB 702

Mr. Snyder moved to withdraw LB 702.

Motion pending.

ATTORNEY GENERAL OPINION

Opinion No. 134
January 30, 1974

Dear Senator Proud:

Legislative Bill 915, which is pending before the Legislature, would

give regulatory jurisdiction over cabled television to the Nebraska Public Service Commission. The Omaha Home Rule Charter prohibits the granting of any exclusive franchise by the City Council without approval of the voters. You request our opinion as to whether, if L. B. 915 were enacted, approval of the voters would still be required in order to grant an exclusive franchise within the City of Omaha for the operation of a cabled television system.

The Nebraska Supreme Court has never had occasion to pass upon such a question. However, in 37 C.J.S., Franchises, Sec. 14, p. 159, the general rule is stated to be that even though statutes vest in a state regulatory board or commission the power to regulate and control the exercise of franchises or privileges, such statutes do not abrogate the power of political subdivisions to grant or withhold local franchises or privileges; but, rather, the continued exercise of such power is recognized, even though approval of the state regulatory body is a condition precedent to the validity of any such franchise.

Therefore, it is our opinion that even if L. B. 915 were enacted, the granting of an exclusive cabled television franchise would require approval of the electors of the City of Omaha.

Very truly yours,
CLARENCE A. H. MEYER
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:ejg
cc: Vincent D. Brown

NOTICE OF COMMITTEE HEARINGS Banking, Commerce and Insurance

LB 837	Reset Monday, February 11, 1974	2:00 p.m.
LB 803	Monday, February 11, 1974	2:00 p.m.
LB 844	Monday, February 11, 1974	2:00 p.m.
LB 845	Monday, February 11, 1974	2:00 p.m.

(Signed) Herbert J. Duis, Vice-Chairman

Nebraska Retirement Systems

LB 724	Friday, February 22, 1974	12:00 Noon
LB 998	Friday, February 22, 1974	12:00 Noon
LB 999	Friday, February 22, 1974	12:00 Noon
LB 1000	Friday, February 22, 1974	12:00 Noon

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LB 1001	Monday, February 25, 1974	12:00 Noon
LB 1002	Monday, February 25, 1974	12:00 Noon
LB 1003	Monday, February 25, 1974	12:00 Noon
LB 1004	Monday, February 25, 1974	12:00 Noon

(Signed) Ramey C. Whitney, Chairman

Appropriations

District Courts & Bd of Pardons, February 21, 1974 2:00 p.m.

(Signed) Richard D. Marvel, Chairman

Labor

LB 770	Wednesday, February 27, 1974	2:00 p.m.
LB 907	Wednesday, February 27, 1974	2:00 p.m.
LB 904	Wednesday, March 6, 1974	2:00 p.m.
LB 947	Wednesday, March 6, 1974	2:00 p.m.
LB 951	Wednesday, March 6, 1974	2:00 p.m.
LB 843	Wednesday, March 13, 1974	2:00 p.m.
LB 1007	Wednesday, March 13, 1974	2:00 p.m.

(Signed) Richard Maresh, Chairman

Public Health and Welfare

LB 1005 Tuesday, February 19, 1974 2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

Judiciary

LB 1008	Wednesday, February 6, 1974	2:00 p.m.
LB 1009	Wednesday, February 6, 1974	2:00 p.m.

(Signed) Leslie Stull, Vice-Chairman

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 954. Placed on General File as amended.
Standing Committee amendment to LB 954:

1. On page 2, line 9 strike "stock" and show as stricken; in lines 9 and 10 strike the new matter; in line 11 strike "unimpaired reserves"; in line 12 strike "of such bank" and show

as stricken; in line 13 strike "stock" and show as stricken; in lines 13 and 14 strike the new matter; in line 15 strike "unimpaired reserves"; in line 18 strike "stock" and show as stricken; and after line 22 insert "For purposes of this section capital shall mean capital stock, surplus, undivided profits, capital notes or debentures, and other unimpaired reserves.".

(Signed) Fred W. Carstens, Chairman

Judiciary

LEGISLATIVE BILL 647. Placed on General File.

LEGISLATIVE BILL 732. Placed on General File.

LEGISLATIVE BILL 734. Placed on General File.

LEGISLATIVE BILL 735. Placed on General File as amended.

Standing Committee amendments to LB 735:

1. On page 3 after line 5 insert a new section to read as follows:

"Sec. 2. That section 29-812, Revised Statutes Supplement, 1973, be amended to read as follows:

29-812. A search warrant authorized by sections 29-812 to 29-821 may be issued by any district court judge or Supreme Court Judge of the State of Nebraska for execution anywhere within the State of Nebraska. A similar search warrant authorized by sections 29-812 to 29-821 may be issued by any county judge within his district or municipal court judge or associate county judge within the county wherein the property sought is located. Any court issuing a search warrant shall receive a fee of two dollars for all services connected therewith, including the taking of necessary acknowledgments and the filing of the return."

2. On page 3, line 7 strike "is" and insert "and section 29-812, Revised Statutes Supplement, 1973, are"; and renumber original sections 2 and 3 as sections 3 and 4 respectively.

LEGISLATIVE BILL 736. Placed on General File.

LEGISLATIVE BILL 737. Placed on General File as amended.

Standing Committee amendment to LB 737:

1. On page 2, line 5 after "affidavit" insert "setting forth the amount due on the judgment, interest, and costs"; in line 12 after "costs" insert "as shown in the affidavit"; and in line 16 after the period insert "The clerk shall mail a copy of the summons to the judgment debtor at his last-known address.".

LEGISLATIVE BILL 738. Placed on General File as amended.

Standing Committee amendment to LB 738:

1. On page 2, line 10 after "county clerk," insert "county treasurer,"; strike line 25 and show the old matter as stricken; and in line 26 strike "(3)" and insert "(2)".

LEGISLATIVE BILL 828. Placed on General File as amended.

Standing Committee amendments to LB 828:

1. On page 7, after line 2 insert a new section as follows:

"Sec. 7. When a bailable defendant appears at any judicial proceeding in which such defendant's bail is being considered the judge at such proceeding shall inform the defendant of the condition or conditions improved on such individual's release, the penalties for violating any of the conditions of such release, and any options or alternatives available to such defendant."

2. Renumber original sections 7 to 9 as sections 8 to 10 respectively.

LEGISLATIVE BILL 829. Placed on General File as amended.

Standing Committee amendments to LB 829:

1. On page 3, line 16 after "appears" insert "or that the offense charged in the original citation has been changed or amended as specified".

2. On page 6 after line 18 insert:

"Sec. 11. That section 39-6,108, Revised Statutes Supplement, 1973, 2 be amended to read as follows:

39-6,108. (1) When any person is required to post bond under any of
2 the provisions of sections 39-601 to 39-6,122, such bond may consist of an
3 unexpired guaranteed arrest bond certificate or a similar written instru-
4 ment by its terms of current force and effect signed by such person and
5 issued to him by an automobile club or a similar association or insurance
6 company jointly and severally with a corporate surety duly authorized to
7 transact fidelity or surety insurance business in this state or with an
8 insurance company duly authorized to transact both automobile liability
9 and fidelity and surety insurance business in this state to guarantee the
10 appearance of such person at any hearing upon any arrest or apprehension
11 or any violation or, in default of any such appearance, the prompt pay-
12 ment by or on behalf of such person of any fine or forfeiture imposed for
13 such default not in excess of two hundred dollars.

14 (2) The provisions of subsection (1) of this section shall not apply
15 to any person who is charged with a felony ~~or a misdemeanor~~.

Sec. 12. That section 39-6,112, Revised Statutes Supplement, 1973,
2 be amended to read as follows:

3 39-6,112. ~~(1)~~ Any person who is found guilty of a violation of sec-
4 tions 39-601 to 39-6,122 or of Chapter 39, article 7, for which a penalty
5 has not been specifically provided shall be fined: (a) Not more than one
6 hundred dollars for the first offense, (b) not more than two hundred dol-
7 lars for a second offense within a one-year period, and (c) not more than
8 three hundred dollars for a third and subsequent offense within a one-year
9 period.

10 ~~(2) When a defendant charged with a violation of sections 39-601 to~~
11 ~~39-6,122 or of Chapter 39, article 7, fails to appear in answer to such~~
12 ~~charge, the court shall enter a default judgment against him in the~~
13 ~~amount of the usual fine for such violation.~~

~~14 (3) Any fine assessed under this section and not paid within thirty~~
~~15 days of such judgment shall become a security interest upon any personal~~
~~16 property in which the defendant has a beneficial interest. The court~~
~~17 shall certify copies of the judgment showing the assessed fine which shall~~
~~18 be transcribed to the district court of the county where such property is~~
~~19 located to be shown upon the judgment docket and to the county clerk's of~~
~~20 file in the county where such property is located to be recorded as a~~
~~21 security interest."~~

3. On page 6, line 24 after "1974" insert "or on the effective date
of this act, whichever is the later"; in line 25 strike "and" and insert
 ","; in line 26 after "39-6,107" insert ", 39-6,108, and 39-6,112;".

4. Renumber original sections 11 to 13 as sections 13 to 15 respectively.

LEGISLATIVE BILL 635. Indefinitely postponed.

LEGISLATIVE BILL 936. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 112.

Introduced by: J. James Waldron, 42nd District.

WHEREAS, the Legislature is empowered to reject, change, alter, amend, or modify administrative rules as it deems advisable; and

WHEREAS, the Nebraska Liquor Control Commission adopted on January 22, 1974 Rule No. 49 regulating automatic liquor dispensers; and

WHEREAS, this rule is not in the best interests of the people of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature rejects Rule No. 49 promulgated by the Nebraska Liquor Control Commission and declare that its provisions are null, void, and inoperative.

Referred to Administrative Rules Committee at the request of Mr. Waldron.

SPEAKER PROUD PRESIDING

GENERAL FILE

LEGISLATIVE BILL 941. Title read. Considered.

PRESIDENT MARSH PRESIDING

Mr. Burbach offered the following amendment:
On Page 3, line 5, strike "Director of State Engineering" and insert "department or county authority."
Page 4, line 6; strike "Director of State Engineering" and insert "department or county authority"

Amendment pending. Laid over.

ANNOUNCEMENT

Mr. Duis announced the Rules Committee will meet on Monday, February 4, at 9:30 a.m.

UNANIMOUS CONSENT—Re-refer LB 995

Mr. Barnett asked unanimous consent to re-refer LB 995 from Labor to Government, Military and Veterans Affairs Committee. No Objections. So ordered.

VISITORS

President Marsh introduced former Governor Dwight Burney from Hartington, Nebraska.

President Marsh introduced 23 4th grade students and their teacher Mrs. Skaar, and mothers Mrs. Amend, Mrs. Robinson and Mrs. Thelander, from Huntington School, Lincoln, Nebraska.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Duis, the Legislature adjourned until 10:00 a.m., Monday, February 4, 1974.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FIRST DAY—FEBRUARY 4, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 4, 1974

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

O Lord, our God, in the midst of the perplexities which confuse us, doubts which torment us, and rivalries which divide us, give us a faith and a compassion which will unite us.

We are grateful for the differences represented in this legislature; differences which along can focus new light on our issues. May we debate with fervor and disagree with understanding, but underneath our differences wilt Thou show us anew that a house that remains divided cannot stand, let alone lead our people to unity and peace and prosperity.

With all our differences, may we still be "one people under God, indivisible, with liberty and justice for all." Amen.

ROLL CALL

The roll was called and all members were present except Mr. DeCamp who was excused and Mr. Kelly who was absent until 10:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twentieth Day was approved.

MESSAGES FROM THE GOVERNOR

February 1, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 438 and Reengrossed Legislative Bill No. 595.

These bills were signed by me on January 31, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

January 31, 1974

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

James L. McCoy, R.P., 989 3rd Street, David City - to the State
Board of Health, term expiring September 14, 1976

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

UNANIMOUS CONSENT—Members Excused

Mr. Stull asked unanimous consent to be excused on Friday, February 8, 1974. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 4, 1974, at 9:00 a.m. were the following: LB 432 and LB 432A.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 626. Placed on Select File as amended.
E & R amendments to LB 626:

1. Renumber the new section added by the committee amendment as section 1 and original section 1 as section 2.

2. On page 2, line 7, strike the comma and show the same as stricken.

3. In the title, line 2, strike "section" and insert "sections 8-440 and"; in line 3 insert "and banking" after "banks"; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 653. Placed on Select File as amended.
E & R amendments to LB 653:

2 1. Strike sections 1 and 2 and amendments
3 thereto and insert:

4 "Section 1. That section 25-2502, Revised
5 Statutes Supplement, 1973, be amended to read as follows:
6 25-2502. As used in sections 25-2501 to 25-2506
7 and 70-301, unless the context otherwise requires:

8 (1) Agency shall include the State of Nebraska
9 and any department, board, commission, or similar entity
10 thereof which possesses the authority to acquire property
11 either with or without the use of eminent domain, any
12 political subdivision of the State of Nebraska, and any
13 privately-owned public utility corporation or common
14 carrier not exempted by section 25-2501 which possesses
15 the authority to acquire property through the use of
16 eminent domain; and-

17 (2) Property shall include any right or interest
18 in real property, including but not limited to easements,
19 but shall not include easements for public utilities
20 located adjacent to and within ten feet of a public road
21 right-of-way; and-

22 (3) Negotiations shall mean communications
23 between representatives of the agency and the property
24 owner or his representatives who are specifically
25 authorized to attempt to reach agreement on terms by
1 which the agency shall acquire such property.

2 Sec. 2. That section 25-2504, Revised Statutes
3 Supplement, 1973, be amended to read as follows:

4 25-2504. After giving notice pursuant to section
5 25-2503, the agency shall hold a public hearing on the
6 proposed project and acquisition at least thirty days
7 before beginning negotiations for such acquisition.

8 Notice of such public hearing shall be published in a
9 legal newspaper of general circulation in the county or
10 counties in which the hearing is to be held at least ten
11 days prior to such hearing. When the proposed

12 acquisition consists of property from more than one
 13 county, a hearing shall be held in the county seat of
 14 each county. When the proposed acquisition is countywide
 15 in scope, the hearing shall be held at the county seat.
 16 When the proposed acquisition involves a lesser area, the
 17 hearing shall be held in a location convenient to the
 18 property to be acquired. When the proposed acquisition
 19 involves property located outside this state, the hearing
 20 shall be held at the principal office of the agency.

21 At the hearing, the agency shall explain the
 22 nature of and necessity for the project for which it
 23 seeks to acquire property, the reasons for selecting the
 24 particular location or route, the right of each owner of
 25 property to be represented by an attorney and to
 26 negotiate and accept or reject the offer of damages which
 27 will be sustained by the proposed acquisition, and the
 1 right to require that such damages be determined pursuant
 2 to the procedures for acquisition by eminent domain. The
 3 agency shall hear and consider any objections from the
 4 ~~persons to be affected~~ any person.

5 If the agency relocates the proposed project
 6 following such hearing and such relocation would require
 7 the acquisition of rights or interests in the property of
 8 more than ten additional owners of separately-owned
 9 tracts to whom notice was not previously given, the
 10 agency shall give notice as provided in section 25-2503
 11 to such additional owners and shall hold a public hearing
 12 as provided in this section with reference solely to that
 13 part of the project which has been relocated; Provided,
 14 that the time restrictions in section 25-2503 and this
 15 section shall not be applicable to any such additional
 16 notice, hearing, or negotiations.

17 Sec. 3. That section 25-2505, Revised Statutes
 18 Supplement, 1973, be amended to read as follows:
 19 25-2505. ~~The provisions of sections 25-2501 to~~
 20 ~~25-2506 and 70-301 relating to public notice and public~~
 21 ~~hearings shall not apply to any agency acquiring property~~
 22 ~~of a willing buyer, willing seller basis or by gift or~~
 23 ~~other form of voluntary transfer when no authority exists~~
 24 ~~to exercise eminent domain proceedings. Any agency~~
 25 acquiring property on a willing buyer-willing seller
 26 basis, or by gift, or diverse, or any other form of
 27 voluntary transfer, shall not be required to give the
 1 notice set forth in section 25-2503 if such agency has no
 2 planned project involving acquisition of the specific
 3 property, or any part thereof, through the use of eminent

- 4 domain or the agency has no authority to use eminent
 5 domain for acquisition of property, but such agency shall
 6 hold a public hearing at least thirty days prior to
 7 consummation of the transaction whereby such property is
 8 acquired which public hearing and public notice of the
 9 same shall comply, where applicable, with section
 10 25-2504.
 11 Sec. 4. That original sections 25-2502
 12 25-2504, and 25-2505, Revised Statutes Supplement, 1973,
 13 are repealed.”
 14 2. In the title, strike lines 2 to 7 and insert:
 15 “FOR AN ACT to amend sections 25-2502, 25-2504, and
 16 25-2505, Revised Statutes Supplement, 1973,
 17 relating to acquiring private property; to
 18 define a term; to provide for hearings as
 19 prescribed; and to repeal the original
 20 sections.”.

LEGISLATIVE BILL 730. Placed on Select File as amended.
 E & R amendment to LB 730:

1. On page 7, line 8, strike “hereto” and insert “to this subdivision”.
2. On page 8, line 26, strike “76-89” and insert “76-809”.
3. On page 9, strike the new matter in line 22; in line 21 after “expenses” insert “, including taxes,”; and in lines 21 and 22 strike the commas and show the same as stricken.
4. On page 10, line 4, insert “regime” after “property”.
5. On page 11, line 10, insert “property” after “condominium”; and in line 24 strike “building” and insert “building condominium property regime”.
6. On page 13, line 14, strike “the provisions of”; in lines 23 and 24 strike “, such” and insert “, Such”; and in line 27 strike “, However,” and insert “, except that”.
7. On page 14, line 23, insert an underscored comma after “property”.
8. On page 15, line 2, strike “the purposes” and insert “such purpose”; and in lines 13 and 15, insert “or buildings” after “building”.
9. In the title, line 10, strike “should” and insert “shall”; in line 11 insert “to provide for partition;” after the semicolon.

LEGISLATIVE BILL 704. Placed on Select File.

LEGISLATIVE BILL 609. Placed on Select File as amended.
E & R amendment to LB 609:

1. In the title, lines 3 and 4, strike "of the first class" and insert "and villages, particular classes"; and in line 5 insert "in cities of the first class" after "council".

LEGISLATIVE BILL 652. Placed on Select File.

LEGISLATIVE BILL 703. Placed on Select File as amended.
E & R amendment to LB 703:

1. On page 3, line 4 strike the comma and insert "or".

LEGISLATIVE BILL 598. Placed on Select File as amended.
E & R amendment to LB 598:

1. On page 3, insert "and time" at the end of line 17.

2. In the title, line 5, insert "and time" after "date".

LEGISLATIVE BILL 611. Placed on Select File as amended.
E & R amendment to LB 611:

1. In lieu of the Whitney amendment, on page 4, line 12, strike "thirty" and insert "sixty".

2. On page 5, reinstate the stricken matter in line 25.

LEGISLATIVE BILL 717. Placed on Select File as amended.
E & R amendment to LB 717:

1. On page 2, strike lines 20 and 21 and insert "76-724".

2. On page 3, line 9, strike the comma and show the same as stricken.

3. On page 4, line 5, strike "to hold and save" and insert "to hold and save holding and saving"; and in line 27 strike "districts" and insert "districts-
district".

4. On page 5, line 10, insert "Reissue" after the comma.

5. In the title, line 3, strike "the"; and in line 4, strike "district" and insert "districts".

Correctly Engrossed

The following bill was correctly engrossed: 490.

LEGISLATIVE JOURNAL

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 699

(Signed) John J. Cavanaugh, Chairman

NOTICE OF COMMITTEE HEARINGS

Committee on Committees

February 1, 1974

The Committee on Committees will meet at 8:00 a.m., Tuesday, February 12, 1974, in the East Lounge, Room 2230, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Board of Parole

John B. Greenholtz
Timothy E. Blankenship

Eugene E. Neal
Marshall M. Tate

Board of Educational Lands and Funds

Vince E. Rossiter, Sr.

(Signed) Ramey C. Whitney, Chairman

Agriculture and Environment

LB 990 Friday, February 15, 1974

2:00 p.m.

(Signed) Loran Schmit, Chairman

ANNOUNCEMENT

Mr. Waldron announced an Executive Session of the Miscellaneous Subjects Committee at 12:00 noon today in Room 2102.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules and read the Final Reading bills set for tomorrow. The motion prevailed with 32 ayes, 0 nays and 18 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 359.

A BILL FOR AN ACT relating to revenue and taxation; to define terms; to provide a special assessment for land devoted to agricultural use; to provide eligibility requirements for such special assessment; and to provide for collection of additional tax.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Fowler	Hasebroock	Johnson
Kennedy	Kime	Kremer	R. Lewis	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Proud	Rasmussen	Richendifer	Savage	Schmit
Skarda	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 6:

Cavanaugh	Goodrich	Luedtke	Nore	Simpson
Snyder				

Not voting, 4:

DeCamp	Kelly	Keyes	F. Lewis
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 599. With Emergency.

A BILL FOR AN ACT to amend section 14-1039, Reissue Revised Statutes of Nebraska, 1943, relating to water districts; to provide authority for establishing priorities for the use of gas; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy

Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

DeCamp F. Lewis Syas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 513. Mr. Goodrich asked unanimous consent to bracket LB 513 until Monday, February 11, 1974. No objections. So ordered.

MOTION—Suspend Rules

Mr. Savage moved to suspend the rules to consider LR 111 at this time. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 111. Considered.

Mr. Whitney offered the following amendment:

Amend LR 111 by striking the last 3 lines on page 473 of the Legislative Journal and inserting in its place:

BE IT RESOLVED: That he authorize them to be moved to the outside edge of the right-of-way, and

The amendment lost with 10 ayes, 17 nays and 22 not voting.

LR 111 was adopted with 33 ayes, 3 nays and 13 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1010. By Kennedy, 21st District; At the Request of the Governor.

A BILL FOR AN ACT relating to state institutions; to amend sections 83-217, 83-218, 83-383, and 83-388, Reissue Revised Statutes of Nebraska, 1943, and sections 83-107.01 and 83-108, Revised Statutes

Supplement, 1973; to change the name of the Beatrice State Home; to clarify certain responsibilities; to change the age limitation; to repeal the original sections; and to declare an emergency.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 753. Indefinitely postponed.

LEGISLATIVE BILL 833. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

MOTIONS—Suspend Rules

Mr. Whitney moved to suspend the rules to withdraw LB 878 and cancel the hearing of February 6, 1974. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Snyder moved to suspend the rules to withdraw LB 777 and cancel the hearing of February 7.

The Chair ruled that after an individual has his ten day limit on bills, he is not allowed to put his name on another bill or take it over.

Mr. Syas appealed the decision of the Chair. The question is "Shall the chair be overruled?" The motion lost with 2 ayes, 29 nays and 18 not voting.

The Snyder motion to suspend the rules to withdraw LB 777 and cancel the hearing of February 7 prevailed with 30 ayes, 3 nays and 16 not voting.

MOTION—Suspend Rules

Mr. F. Carstens moved to suspend the rules to introduce four new bills by the Committee on Banking, Commerce and Insurance (Req. Nos. 1181, 1182, 1506, 1253). The motion prevailed with 33 ayes, 0 nays and 16 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1011. By Banking, Commerce and Insurance Committee: F. Carstens, 30th District, Chairman; Duis, 39th District; Snyder, 14th District; Hasebroock, 18th District; Moylan, 6th District; Stromer, 36th District; Wiltse, 1st District; Murphy, 17th District.

A BILL FOR AN ACT relating to insurance; to provide for rehabilitation and conservation of insurers as prescribed; to define terms; and to provide powers and duties.

LEGISLATIVE BILL 1012. By Banking, Commerce and Insurance Committee: F. Carstens, 30th District, Chairman; Duis, 39th District; Snyder, 14th District; Hasebroock, 18th District; Moylan, 6th District; Stromer, 36th District; Wiltse, 1st District; Murphy, 17th District.

A BILL FOR AN ACT relating to insurance; to adopt the Nebraska Life and Health Insurance Guaranty Association Act; and to provide severability.

LEGISLATIVE BILL 1013. By Banking, Commerce and Insurance Committee: F. Carstens, 30th District, Chairman, Hasebroock, 18th District; Moylan, 6th District; Wiltse, 1st District; Duis, 39th District; Snyder, 14th District; Murphy, 17th District.

A BILL FOR AN ACT to amend section 44-2603, Revised Statutes Supplement, 1973, relating to insurance consultants; to provide for additional exemptions; and to repeal the original section.

LEGISLATIVE BILL 1014. By Banking, Commerce and Insurance Committee: F. Carstens, 30th District, Chairman; Duis, 39th District; Snyder, 14th District; Hasebroock, 18th District; Moylan, 6th District; Stromer, 36th District; Wiltse, 1st District.

A BILL FOR AN ACT to amend sections 44-2403, 44-2404, and 44-2418, Revised Statutes Supplement, 1972, relating to insurance; to clarify terms; and to repeal the original sections.

SELECT FILE

LEGISLATIVE BILL 592. E & R amendments found on page 471 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 986. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 987. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 680. E & R amendment found on page 472 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 655. E & R amendment found on Page 472 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 323. E & R amendments found on page 472 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

COMMUNICATION ON LB 43A

February 4, 1974

Hon. Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Secretary:

On January 24, 1974 the Sixteenth Legislative Day, Governor Exon returned LB 43A to the Legislature with his signature but with certain exceptions as indicated therein. As of this date, February 4, the Twenty-First Legislative Day, the Legislature has taken no action to reconsider the format of LB 43A nor attempted to override the line item veto on LB 43A.

Under the Rules of the Legislature, the time has expired for an attempt to override the veto and accordingly I am delivering the bill in the form and amounts as approved by the Governor to your office for filing.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

j
cc: Hon. J. James Exon

UNANIMOUS CONSENT—Change of Hearing Rooms

Mr. Waldron asked unanimous consent for the Miscellaneous Subjects Committee to exchange hearing rooms with the Public Works Committee on Thursday, February 7, 1974. No objections. So ordered.

MOTION—State Department Bills

Mr. Carpenter moved that no State Department bill be introduced except by the request of the Governor.

Mr. Duis moved to amend the motion to include: "that anyone appearing on a bill representing the Governor will so state at the time." The Duis amendment was adopted.

The Carpenter motion, as amended was referred to the Rules Committee.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 932. Placed on General File.

LEGISLATIVE BILL 933. Placed on General File.

(Signed) George Syas, Chairman

Agriculture and Environment

LEGISLATIVE BILL 830. Indefinitely postponed.

LEGISLATIVE BILL 860. Indefinitely postponed.

LEGISLATIVE BILL 884. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

Public Works

LEGISLATIVE BILL 822. Placed on General File as amended.
Standing Committee amendment to LB 822:

1. On page 2, line 14 strike "a" and insert "an overall";
and in line 15 after "profitable" insert "and successful".

LEGISLATIVE BILL 975. Placed on General File as amended.
Standing Committee amendments to LB 975:

1. On page 6, line 6, after "Resources," insert "the
Department of Agriculture,".

2. On page 7, line 22, strike "fully", and strike "possible"
and insert "probable".

3. On page 9, line 3 after "time" insert ", not to exceed
six months,".

4. On page 10, line 6, strike "extant" and insert "existent";
in line 19 strike "does not conflict with" and insert "considers";
and in line 22 strike "or with" and insert "and".

(Signed) Maurice A. Kremer, Chairman

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 708	Friday, February 15, 1974	2:00 p.m.
LB 725	Friday, February 15, 1974	2:00 p.m.
LB 650	Friday, February 15, 1974 (Reset)	2:00 p.m.

(Signed) J. James Waldron, Chairman

MOTION—Introduce Bill

Mr. Luedtke moved the introduction of a new bill by the Committee on Judiciary. (Req. 1549) The Motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1015. By Judiciary Committee: Luedtke, 28th District, Chairman; Fellman, 4th District; Barnett, 26th District; Stull, 49th District; Richendifer, 16th District; Carpenter, 48th District; Chambers, 11th District.

A BILL FOR AN ACT to amend sections 42-354, 42-357, 42-363, 42-364, and 42-365, Revised Statutes Supplement, 1972, relating to divorce and alimony; to change the answer date; to clarify provisions; to provide a sixty-day period before hearing; to provide standards for the custody and support of children; to provide alimony considerations; to provide wage withholding under garnishment procedures; and to repeal the original sections.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 127. Indefinitely postponed.

LEGISLATIVE BILL 739. Placed on General File as amended.
 Standing Committee amendments to LB 739:

1. On page 2, line 1 insert a new section 1 as follows:

"Section 1. That section 26-112, Revised Statutes Supplement, 1972, be amended to read as follows:

26-112. The clerk of the municipal court shall charge and receive the following fees:

(1) In civil matters: For any and all services rendered up to and including the judgment or dismissal of the action, ~~where the sum in question is three hundred dollars or less, five dollars, and where the sum in question is over three hundred dollars,~~

ten dollars; for all orders after judgment, including, but not limited to, writs of execution, restitution, garnishment, examination in aid of execution, taking and approving any recognizance or bond, and furnishing transcripts, one dollar each; and

(2) In criminal matters: For any and all services rendered up to and including the judgment or dismissal of the action, and the issuance of mittimus or discharge to the jailer, six dollars; except that in all cases handled by a violations bureau established by the local governing body by ordinance, under the jurisdiction of the municipal court, the court cost shall be as set forth in such ordinance; and for all orders and all services rendered after judgment, including, but not limited to, entries and official acts recorded, furnishing transcripts, and taking and approving any recognizance or bond, one dollar each."

2. On page 2, after line 12 insert:

"Sec. 3. Constables shall be allowed the same fees, including mileage, as are allowed sheriffs for like services."

3. On page 2, line 13 strike "section" and insert "sections 26-112 and"; in line 14 strike "is" and insert "are"; and re-number original sections 1 and 2 as sections 2 and 4 respectively.

LEGISLATIVE BILL 742. Placed on General File.

LEGISLATIVE BILL 743. Placed on General File as amended.

Standing Committee amendment to LB 743:

1. On page 2, line 7 after "analyzed." insert "Such report shall not be admissible unless (a) it specifies the nature of the tests performed and the results obtained, (b) it contains copies of the experimental data, including copies of any spectra determined, and (c) it is signed by the analyst who collected and interpreted the data, and such analyst, verifies that the matters contained in such report are true to the best of his knowledge. The signature and verification to the report shall be made before a notary public or other officer authorized to administer oaths who shall certify that the report and verification were sworn to, or affirmed, before such notary or officer and signed in his presence."

LEGISLATIVE BILL 744. Placed on General File as amended.

Standing Committee amendment to LB 744:

1. On page 4, line 11 after "completed" insert "and after a hearing has been held by the court after notice to the defendant of the proposed disposition of the property".

LEGISLATIVE BILL 745. Placed on General File as amended.

Standing Committee amendment to LB 745:

1. On page 2, line 23 strike "and shall not be eligible for probation".

LEGISLATIVE BILL 747. Placed on General File.

LEGISLATIVE BILL 748. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 604. Placed on General File.

LEGISLATIVE BILL 614. Placed on General File.

LEGISLATIVE BILL 677. Placed on General File.

LEGISLATIVE BILL 855. Placed on General File.

LEGISLATIVE BILL 864. Placed on General File.

(Signed) Ernest Chambers, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 794. Placed on General File.

(Signed) George Syas, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
1010	Pub. Hlth & Wel.	1013	Bank. Comm. & Ins.
1011	Bank. Comm. & Ins.	1014	Bank. Comm. & Ins.
1012	Bank. Comm. & Ins.	1015	Judiciary

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 1015 Monday, February 11, 1974 2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

Banking, Commerce and Insurance

LB 1011	Monday, February 11, 1974	2:00 p.m.
LB 1012	Monday, February 11, 1974	2:00 p.m.
LB 1013	Monday, February 11, 1974	2:00 p.m.
LB 1014	Monday, February 11, 1974	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

MOTION—Rule Change

Mr. Murphy moved to amend Rule 5, Section 5, sub-paragraph (b), Page 23: "No Committee shall introduce more than 10 bills in any one year."

Referred to the Rules Committee.

ANNOUNCEMENT

Mr. Snyder announced a meeting in the East Chamber at 4:30 this afternoon with truckers.

DISCUSSION

The members held an open discussion on the fuel and energy situation.

ADJOURNMENT

At 12:11 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 9:00 a.m., Tuesday, February 5, 1974.

Vincent D. Brown
Clerk of the Legislature

TWENTY-SECOND DAY—FEBRUARY 5, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 5, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

Eternal and blessed God, we pray that Thy spirit will dwell within us abundantly during this session, transforming our inner selves into sanctuaries of light, joy and peace; and for the labors before us we ask for that love that makes men loyal, and that faith that makes them courageous and unafraid. May the laws enacted here bring greater respect for the dignity and the unfading immortality of the human being, and greater reverence for Thee and the majesty and sovereignty of Thy divine will. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Cavanaugh who was absent until 9:20; Mr. Richendifer until 10:10 a.m.; and Mr. DeCamp until 10:45 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-First Day was approved.

MESSAGES FROM THE GOVERNOR

February 4, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 92, 396, 610, and 695.

These bills were signed by me on February 2, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 762. Placed on Select File as amended.
E & R amendments to LB 762:

1. In lieu of the Carpenter amendment, on page 4, line 18, insert "Any governmental subdivision providing such service shall do so at a charge of not to exceed ten cents per person" after "handicapped".

2. In the title, line 7, insert "to provide a maximum charge;" after the semicolon.

LEGISLATIVE BILL 806. Placed on Select File as amended.
E & R amendments to LB 806:

1. In the committee amendment, lines 2 and 3, strike "Section 39-769, Revised Statutes" and insert "section 39-769, Reissue Revised Statutes of Nebraska,".

Correctly Enrolled

The following bills were correctly enrolled: 359 and 599.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 359, 599 and LR 111.

NOTICE OF COMMITTEE HEARING Labor

LB 898 Wednesday, February 20, 1974

2:00 p.m.

(Signed) Richard Maresh, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 113.

Introduced by Snyder, 14th District.

WHEREAS, more than twenty-five states have been affected by a shutdown of independent truckers; and

WHEREAS, more than twenty-thousand workers have already been idled, and

WHEREAS, there are indications that a "national economic calamity" and possible food shortages have been predicted; and

WHEREAS, violence has erupted on our roads and highways, and

WHEREAS, three-thousand four hundred national guardsmen have been activated in two states; and

WHEREAS, the Legislature of Nebraska recognizes that an emergency does exist; and

WHEREAS, the Legislature of Nebraska recognizes that a quick and immediate end to the emergency is required.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature of Nebraska urges federal adoption of a speed limit of 60 miles per hour.

2. That a copy of this resolution be sent to the Secretary of Commerce, Labor, and Transportation of the United States of America and to members of the Nebraska delegation in Congress.

Mr. Snyder moved to suspend the rules to consider LR 113 today. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Kremer asked unanimous consent to be excused until 10:15 a.m. No objections. So ordered.

LR 113 was adopted with 37 ayes, 0 nays and 12 not voting.

LEGISLATIVE RESOLUTION 114.

Introduced by Snyder, 14th District.

WHEREAS, independent truck operators have equipment investments of several thousands of dollars, high costs of upkeep, insurance, and other items necessary to operate; and

WHEREAS, the continuous rise of diesel fuel across the United States in recent months has forced the independent trucker to absorb additional costs that he is unable to pass on; and

WHEREAS, the independent trucker must have immediate relief in order to remain in business and not force these individuals into bankruptcy; and

WHEREAS, the Great Plains states depend on a large measure for truck transportation to both export and import food stuffs and many other essentials of American life; and

WHEREAS, a continued and growing shut-down of American's trucking industry will create economic chaos touching the lives and livelihood of every citizen of the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature of the State of Nebraska urges the Federal Government to support price roll backs on diesel fuel to thirty-three cents per gallon.

2. That a copy of this resolution be sent to the Secretaries of Commerce, Labor of the United States and to the members of the Nebraska delegation in Congress.

Mr. Snyder moved to suspend the rules to consider LR 114 today. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

Mr. Whitney offered the following amendment:

Strike all the sentence following the word "support" in item one of the resolution and insert in its place "an increase in freight rates sufficient to offset the added costs of operation of the trucking industry".

Mr. Stull offered the following amendment to the Whitney amendment:

Insert the words "and railroad industry" after "trucking" in last line.

The amendment was adopted with 16 ayes, 4 nays and 29 not voting.

The Whitney amendment, as amended, lost with 10 ayes, 19 nays and 20 not voting.

LR 114 was adopted with 34 ayes, 0 nays and 15 not voting.

UNANIMOUS CONSENT—Members Excused

Mr. Moylan asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

Mr. Schmit asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 859. Indefinitely postponed.

(Signed) Thomas Kennedy, Chairman

MOTION—Reconsider Action—LB 127

Mr. Carpenter moved to place LB 127 on General File notwithstanding the committee action.

Motion pending.

SELECT FILE

LEGISLATIVE BILL 626. E & R amendments found in the Journal on page 485 for the Twenty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 653. E & R amendments found in the Journal on page 486 for the Twenty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 730. E & R amendments found in the Journal on page 488 for the Twenty-First day were adopted.
Mr. F. Carstens offered the following amendments which were adopted with 25 ayes, 0 nays and 24 not voting.

1. On page 6, line 1 after "recordable" and before the "semicolon" insert "as provided in section 76-211"; in line 27, strike "; and" and insert a "period" after "aggrieved".
2. On page 7, strike lines 1 through 9; in line 27, strike 76-811 and insert "8".
3. On page 10, line 3 insert "or amending" after "establishing".
4. On page 11, line 8 strike "and" and insert in its place "or"; line 9, after "be" insert "divided within"; line 11, after "such" insert "divisions.".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 704. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 609. E & R amendment found in the Journal on page 489 for the Twenty-First Day was adopted.

Mr. Clark offered the following amendment which was adopted with 25 ayes, 1 nay and 23 not voting:

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 652. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 703. E & R amendment found in the Journal on page 489 for the Twenty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 598. E & R amendments found in the Journal on page 489 for the Twenty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 611. E & R amendments found in the Journal on page 489 for the Twenty-First Day were adopted.

Mr. Clark offered the following amendment which was adopted with 27 ayes, 0 nays and 22 not voting:

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 717. E & R amendments found in the Journal on page 489 for the Twenty-First Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Suspend Rules

Mr. Waldron moved to suspend the rules for the introduction of a new bill by the Committee on Miscellaneous Subjects. (Req. No. 1507)

Mr. Waldron moved for a Call of the House. The motion prevailed with 15 ayes, 10 nays and 24 not voting.

The Call showed 40 members present.

Mr. Waldron moved the Call be raised. The motion prevailed with 38 ayes, 0 nays and 11 not voting.

The Waldron motion prevailed with 31 ayes, 6 nays and 12 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1016. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Carpenter, 48th District; Murphy, 17th District; Mahoney, 5th District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 75-104, Revised Statutes Supplement, 1972, relating to the Public Service Commission; to raise the salary of members of the Public Service Commission; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 776	Thursday, February 14, 1974	2:00 p.m.
LB 1006	Thursday, February 14, 1974	2:00 p.m.
LB 625	(Continued) Thursday, February 14, 1974	2:00 p.m.
LB 995	Thursday, February 14, 1974	<u>7:00 p.m.</u>
LB 872	Thursday, February 14, 1974	<u>7:00 p.m.</u>
LB 705	(Continued) Friday, February 15, 1974	2:00 p.m.

(Signed) Ernest Chambers, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Carpenter asked unanimous consent to print the following amendments to LB 772 in the Journal. No objections. So ordered.

Amendments to LB 772:

- (1) 1. On page 5 strike lines 11 to 21 and insert the following:
 "Sec. 6. That section 79-1334, Reissue Revised Statutes of Nebraska,
 2 1943, be amended to read as follows:
 3 79-1334. Each district shall receive financial support from the
 4 School Foundation and Equalization Fund as follows: ~~Seventeen dollars and~~
 5 ~~fifty cents~~ Seventy-five dollars per kindergarten pupil, ~~thirty-five one~~
 6 hundred fifty dollars per pupil in grades one through six, ~~forty-two one~~
 7 hundred seventy-five dollars per pupil in grades seven and eight, and
 8 ~~forty-nine two hundred~~ dollars per pupil in grades nine through twelve,
 9 the applicable sum for each category to be multiplied by the preceding
 10 year's average daily membership of resident and nonresident pupils in
 11 each category."; in line 27 after "support" insert "as provided by the
 12 provisions of section 8 of this act."
2. On page 6 strike lines 1 to 27.
3. On page 7 strike line 1; in line 2 strike "(3)" and insert "(2)";
 in lines 3 and 4 strike "subsection (1) of this section" and insert "section
 8 of this act"; in line 6 strike "25" and insert "26"; in line 7 strike
 "(4)" and insert "(3)"; in line 7 strike "(5)" and insert "(4)".
4. On page 8 after line 4 insert the following:
 "Sec. 8. That section 79-1336, Reissue Revised Statutes of Nebraska,
 2 1943, be amended to read as follows:
 3 79-1336. Subject to the conditions imposed by sections 79-1330 to

4 79-1344, the School Foundation and Equalization Fund shall be used to in-
5 sure each district the following total financial support:

6 (1) ~~Two hundred twenty five~~ Three hundred seventy-five dollars per
7 kindergarten pupil, ~~four seven~~ hundred fifty dollars per pupil in grades
8 one through six, ~~five nine~~ hundred dollars per pupil in grades seven and
9 eight, and ~~five hundred fifty one thousand two hundred~~ dollars per pupil
10 in grades nine through twelve, the applicable sums for each category to
11 be multiplied by the average daily membership for the preceding year of
12 resident and nonresident pupils in each category; and

13 (2) When the population density in any county is less than four per-
14 sons per square mile, as determined from the most recent federal decennial
15 census, the total financial support under subdivision (1) of this section
16 insured for each district in the county shall be increased by the follow-
17 ing percentages: (a) If the population density is three or more but
18 less than four persons per square miles, ten per cent; (b) if the density
19 is two or more but less than three persons per square miles, twenty per
20 cent; (c) if the density is one or more but less than two persons per
21 square mile, thirty per cent; and (d) if the density is less than one per
22 son per square mile, forty per cent; Provided, any school district within
23 a qualifying county showing a density greater than provided in this sub-
24 division shall not qualify for such percentage increases."

5. On page 10, line 15 strike "9, 10, and 14" and insert "10, 11, and 15"; in line 16 strike "12" and insert "13".

6. On page 16, in lines 14 and 25 strike "16 and 17" and insert "17 and 18".

7. On page 17, line 2 strike "20" and insert "21"; strike "23 to 25" and insert "24 to 26".

8. On page 21, lines 21 and 22 strike "16 and 17" and insert "17 and 18".

9. On page 24 in line 2 strike "section" and insert "sections" and after "79-4,102" insert "79-1334, and 79-1336,"; and renumber original sections 8 to 29 as section 9 to 30 respectively.

(II) 1. Strike section 11 and insert the following:

"Section 11. The following spending limitations shall be determined by average daily membership as defined by the State Department of Education.

(1) If the actual expenditure per pupil for the preceding budget year was over seven hundred fifty dollars but not over eight hundred dollars, the budget for the following year shall not exceed one hundred twelve per cent of the preceding budget.

(2) If the actual expenditure per pupil for the preceding budget year was over eight hundred dollars, but not over eight hundred fifty dollars, the budget for the following year shall not exceed one hundred eleven per cent of the preceding budget.

(3) If the actual expenditure per pupil for the preceding budget year was over eight hundred fifty dollars but not over nine hundred dollars, the budget for the following year shall not exceed one hundred ten per cent of the preceding budget.

(4) If the actual expenditure per pupil for the preceding budget year was over nine hundred dollars but not over nine hundred fifty dollars, the budget for the following year shall not exceed one hundred nine per cent of the preceding budget.

(5) If the actual expenditure per pupil for the preceding budget year was over nine hundred fifty dollars but not over one thousand dollars, the budget for the following year shall not exceed one hundred eight per cent of the preceding budget.

(6) If the actual expenditure per pupil for the preceding budget year was over one thousand dollars, the budget for the following year shall not exceed one hundred seven per cent.

If expenditures are made in excess of the amount permitted under this section, the State Board of Education through the State Department of Education shall for each dollar of excess expenditure subtract one dollar from any state funds being distributed to such district for general school purposes. The amounts so subtracted shall revert to the State General Fund. Such subtraction shall be from such funds next distributed to the school district and such district shall not use such excess expenditures in computing its succeeding budget or expenditure limitation.

2. On page 23 after line 16 insert "The state shall provide an annual increase of seven per cent to the amounts specified in section 7 of this act."

3. On page 23 after line 16 insert:

"Sec. 26. It is the intent of the Legislature that there be appropriated fifty-five million dollars to implement the provisions of sections 79-1330 to 79-1344, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto for school year 1974 to 1975, and for school year 1975 to 1976, it is the intent of the Legislature that there be appropriated one hundred twenty million dollars and appropriate percentage adjustments.

4. Renumber original sections 26 to 29 as sections 27 to 30 respectively.

MOTION—Reconsider Action on LB 104

Mr. Mahoney renewed his pending motion found in the Journal on page 430 for the Seventeenth day to reconsider action on LB 104 on Final Reading.

Mr. Mahoney moved for a Call of the House. The motion prevailed with 22 ayes, 8 nays and 19 not voting.

The Call showed 46 members present.

Mr. Proud moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Syas requested a record vote on the motion.

Voting in the affirmative, 27:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Fellman	Fowler	Goodrich

Keyes	F. Lewis	Luedtke	Mahoney	Marsh
Marvel	Richendifer	Savage	Simpson	Skarda
Snyder	Stahmer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 18:

Clark	DeCamp	Dickinson	Duis	Epke
Hasebroock	Johnson	Kelly	Kennedy	Kime
Kremer	R. Lewis	Maresh	Murphy	Proud
Rasmussen	Stromer	Waldron		

Not voting, 4:

Chambers	Moylan	Nore	Schmit
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The motion to reconsider LB 104 lost with 27 ayes, 18 nays and 4 not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 655, 680, 986 and 987.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 711. Placed on General File as amended.

Standing Committee amendment to LB 711:

1. On page 3, strike lines 8 to 17, and insert the following:

“(2) A judge shall be disqualified from trying any case upon motion of any party to such case. Such motion need not state the grounds for disqualification, but when any party has been obtained the disqualification of a judge without stating the grounds therefor, any subsequent motion for disqualification of a judge in that case shall be based only upon the ground set forth in subsection (1) of this section or upon affidavits giving probable cause to believe that a fair and impartial trial cannot be had because of prejudice of the judge. Any motions and affidavits referred to in this subsection shall be filed prior to the commencement of the trial, and shall be made a part of the record in the case.”.

LEGISLATIVE BILL 722. Placed on General File as amended.
Standing Committee amendment to LB 722:

1. On page 3 line 4 strike "29-2246 to 29-2269" and insert "29-2262 to 29-2268"; in line 5 after "court" insert "as part of the probation administration of the municipal and supplementary only to existing authority of the municipal court"

LEGISLATIVE BILL 723. Placed on General File as amended.
Standing Committee amendment to LB 723:

1. On page 2, line 21 after "records" insert ", in any such case referred to the probation officer by the court of proper jurisdiction,"; and in line 22 strike "may request" and insert "shall require".

LEGISLATIVE BILL 733. Placed on General File as amended.
Standing Committee amendment to LB 733:

1. On page 3, strike lines 24 to 27 and show as stricken; and on page 4, strike lines 1 to 6 and show the old matter as stricken and insert:
"Sec. 5. Where a juvenile".

(Signed) Roland A. Luedtke, Chairman

GENERAL FILE

LEGISLATIVE BILL 941. Considered.

Mr. Stull offered the following amendments, which were adopted:

1. On page 3 line 5 strike "November 1 to April 1" and insert "December 1 to March 15".
2. On page 6 in lines 13, 14, and 15 strike the new matter and insert: the fee of \$7.50 shall be charged for a permit authorized by subdivision (1) (D) of this section.

Mr. Carpenter offered the following amendments, which were adopted:

1. Page 2, line 22 strike "to storage" and show as stricken.
2. Page 2, line 22 after "or" insert "interim sites of temporary storage to locations of permanent storage or"
3. Page 3, line 23 after "distance" add "; and no permit shall be required for vehicles engaged in carrying grain or other seasonably harvested products from the field where they are harvested or interim sites of temporary storage to locations of permanent storage or market"

Mr. Burbach asked unanimous consent to withdraw his pending amendment found in the Journal on page 483 for the Twentieth Day. No objections. So ordered.

Mr. Richendifer moved to indefinitely postpone. The motion prevailed with 20 ayes, 15 nays and 14 not voting.

LEGISLATIVE BILL 293. Mr. Stahmer asked unanimous consent to bracket LB 293 until February 12. Mr. Carpenter objected.

Mr. Stahmer moved to bracket the bill until February 12.

Mr. Stahmer asked unanimous consent to withdraw his motion to bracket. No objections. So ordered.

Speaker Proud moved to bracket the bill. The motion prevailed.

UNANIMOUS CONSENT—Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendments to LB 293 in the Journal. No objections. So ordered.

The following are amendments to unofficial copy of LB 293 dated January 30, 1974.

1. On page 4, in line 21 after the first "the" strike the word "district" and strike the commas after the words "district" and "county".

2. On page 11, in line 22 after "with" insert "the rental agreement or" and after the figure "23" strike "all as itemized by" and insert "of the act."; strike lines 23, 24, 25 and 26 and insert "The balance, if any, and a written itemization shall be delivered or mailed to the tenant within fourteen days after demand and designation of the location where payment may be made or mailed."

3. On page 13 in line 17 after "comply" insert ", after written notice,"; in line 18 strike the semicolon and insert "materially affecting health and safety,"; in line 19 after "necessary" insert ", after written notice,".

4. On page 14, in line 18 after "state" strike "nor will"; strike lines 19, 20 and 21; insert a "period" after "state" in line 18.

5. On page 14 in line 25 after "in" insert "a separate".

6. On page 21 in line 21 strike "or section 29"; in line 24 before "notice" insert "written".

7. On page 24 in line 5 after "agreement" insert "or any separate agreement".

8. On page 25 strike section 35.

9. On page 30 in line 18 strike after the period "Time of"; in line 19 strike "set" and insert between "be" and "seven" "not less than 7 nor more than 10."

10. On page 14 strike lines 22 thru 26 and insert from the original act page 15 lines 11 thru 27 and page 16 line 1 thru 3 and add a new subdivision (4) as follows: "(4) Notwithstanding any provision of this act, a landlord may employ a tenant to perform the obligations of the landlord." On page 14 line 5 after "removal" insert "from the appropriate receptacle."

REFERENCE COMMITTEE REPORT

LB **Committee**
1016 Misc. Subjects

(Signed) Terry Carpenter, Chairman

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 354. Placed on General File as amended.
Standing Committee amendments printed and on file in the
Clerk's Office.

(Signed) Roland A. Luedtke, Chairman

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 906 Tuesday, February 19, 1974 (reset) 2:00 p.m.

(Signed) J. W. Burbach, Chairman

Miscellaneous Subjects

LB 326 Friday, February 15, 1974 1:00 p.m.
LB 1016 Friday, February 15, 1974 1:00 p.m.

(Signed) J. James Waldron, Chairman

MOTION—Accept Bid

Mr. Carpenter moved to accept the low bid given to Senator Goodrich for the glass installation for the South wall of the Chamber in the amount of \$3,450.00.

Motion pending.

VISITORS

President Marsh introduced Mrs. Ann Masters and state officers of the Future Business Leaders of America.

President Marsh introduced Mr. Jack Pinder, Inspector of Secondary Education from Adelaide, Australia.

President Marsh introduced Ms. Diane Averill, Ms. Mary Jane Stewart and members of a study group from South Gate United Methodist Church, Lincoln.

President Marsh introduced former Senator and Mrs. Bill Brandt and daughter Jane accompanied by 2 exchange students, Marcos Carneiro from Sao Paulo, Brazil and Patricia Ponc de Leone from Mardel Plate, Argentina.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Wiltse, the Legislature adjourned until 9:00 a.m., Wednesday, February 6, 1974.

Vincent D. Brown
Clerk of the Legislature

TWENTY-THIRD DAY—FEBRUARY 6, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 6, 1974

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

Father of all, Thou knowest each of us has lonely moments. We have to make decisions no one can make for us, decisions which are not always appreciated by those who write or telephone, or who speak personally to us, or even those who sit in this same chamber with us. Help each of us, gracious God, to keep our fences of friendship in good repair, our lines of communication open, so that when our moments of desolation come they can be shared with someone who cares, in the name of Him who cares for us so dearly that He gave Himself for us. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Fellman, Marvel, Warner who were excused until they arrive; and Messrs. Cavanaugh and Fowler who were absent until 9:45 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-second Day was approved.

MOTION—Appoint Committee

Speaker Proud moved the Executive Board appoint a Committee to personally call upon the President of the United States regarding the trucking situation in Nebraska. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

ANNOUNCEMENT

Mr. Carpenter announced a meeting of the Executive Board today at 1:00 p.m.

MESSAGES FROM THE GOVERNOR

February 5, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received engrossed Legislative Bills Nos. 432 and 432A.
These bills were signed by me on February 4, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 6, 1974, at 8:50 a.m., were the following: LB 359 and LB 599.

(Signed) Barbara Jackson, Enrolling Clerk

NOTICE OF COMMITTEE HEARING
Agriculture

LB 990 (Reset) Thursday, February 21, 1974

2:00 p.m.

(Signed) Loran Schmit, Chairman

STANDING COMMITTEE REPORTS
Labor
(Corrected Report)

LEGISLATIVE BILL 665. Placed on General File as amended.
Standing Committee amendments to LB 665:

1. On page 2, line 9 after "more" insert "full-time".
2. On page 3 reinstate the stricken matter in lines 3 and 4; after line 4 insert "(g) Children who are in elementary or secondary education;" in line 5 strike "(f)" and insert "(h)"; in line 6 strike

"or"; in line 7 after "~~(h)~~" insert "(i)" and reinstate the stricken matter; in line 8 reinstate the stricken matter; in line 9 strike "(g)" and insert "(j)".

(Signed) Richard Maresh, Chairman
Committee on Committees

February 5, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Rudolf Peralez - Director, Department of Aeronautics

Committee Vote: For: (10) Senators Barnett, Chambers, Duis, Epke, Johnson, Luedtke, Snyder, Stromer, Stull, Whitney. Against: None. Absent and not voting: (3) Senators Nore, Stahmer and Wiltse.

Lowell Shaffer - Liquor Control Commission

Committee Vote: For (10) Senators Barnett, Chambers, Duis, Epke, Johnson, Luedtke, Snyder, Stromer, Stull and Whitney. Against: None. Absent and not voting: (3) Senators Nore, Stahmer and Wiltse.

Conrad A. Lawrence - Nebraska Investment Council

Committee Vote: For (10) Senators Barnett, Chambers, Duis, Epke, Johnson, Luedtke, Snyder, Stromer, Stull and Whitney. Against: None. Absent and not voting: (3) Senators Nore, Stahmer and Wiltse.

(Signed) Ramey C. Whitney, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 730. Replaced on Select File as amended.

E & R amendments to LB 730:

1. In the Carstens amendment 1, strike line 3 and insert "and".
2. In the Carstens amendment 2, line 1, insert "the new matter in" after "strike"; and strike the longhand matter and insert "and"; and in line 27 strike '76-811' and insert '8 of this act'.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 113 and LR 114.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 972. Placed on General File.

(Signed) J. James Waldron, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1017. By Kremer, 34th District, at the request of the Governor .

A BILL FOR AN ACT relating to Nebraska Highway Bond Act; to authorize the issuance of up to ten million dollars in highway construction bonds; to make an appropriation; and to declare an emergency.

MOTION—Suspend Rules

Mr. Kennedy moved to suspend the Rules to introduce three new bills by the Committee on Public Health and Welfare. (Req. Nos. 1555, 1471 and 1539). The motion prevailed with 32 ayes, 0 nays and 17 not voting.

The three bills were introduced by a vote of 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1018. By Public Health & Welfare Committee: Kennedy, 21st District, Chairman; Goodrich, 20th District; Schmit, 23rd District; Maresh, 32nd District; R. Lewis, 38th District; F. Lewis, 45th District; Cavanaugh, 9th District.

A BILL FOR AN ACT relating to public welfare; to provide for granting subrogation rights to county divisions of public welfare and the Department of Public Welfare.

LEGISLATIVE BILL 1019. By Public Health & Welfare Committee: Kennedy, 21st District, Chairman; Goodrich, 20th District; R. Lewis, 38th District; Schmit, 23rd District; Maresh, 32nd District; F. Lewis, 45th District; Cavanaugh, 9th District.

A BILL FOR AN ACT relating to public health and welfare; to provide for the payment of verified operating costs to nursing homes.

LEGISLATIVE BILL 1020. By Public Health & Welfare Committee: Kennedy, 21st District, Chairman; Goodrich, 20th District; R. Lewis, 38th District; Maresh, 32nd District; F. Lewis, 45th District; Cavanaugh, 9th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 68-128, Revised Statutes Supplement, 1973, relating to paupers and public assistance; to limit the state financial participation in county emergency assistance benefits on behalf of families who have children; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 762. E & R amendments found in the Journal on page 502 for the Twenty-Second Day were adopted.

Mr. Clark offered the following amendment which was adopted with 26 ayes, 0 nays and 23 not voting:

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Mr. Clark moved to strike the Carpenter amendment and the E & R amendment to LB 762. The motion prevailed with 34 ayes, 1 nay and 14 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 806. E & R amendment found in the Journal on page 502 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

MOTION—Advise Governor

Messrs. Stahmer, Snyder, Mahoney, Syas, Savage, Goodrich, Skarda, Moylan, Proud and Dickinson moved that the Governor be requested to make an immediate inquiry into the extent of the seriousness of the overnight fire at the chemical plant in Omaha and the imminent danger to human life occasioned by the escape of fumes therefrom and to make any expenditures from the Governor's Emergency Fund as may be needed to combat such danger, with the assurance that the Legislature will make the appropriation to replace any amount so expended.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused Thursday, February 7, 1974. No objections. So ordered.

MOTION—Accept Bid

Mr. Carpenter renewed his pending motion found in the Journal on page 513 for the Twenty-second day to accept the low bid on glass installation for the south wall of the Chamber in the amount of \$3,450.00.

The motion lost with 11 ayes, 30 nays and 8 not voting.

MOTION—Washington Trip

Mr. Barnett moved that the Executive Board meet immediately and outline a program for the Washington trip.

Mr. Barnett asked unanimous consent to withdraw the motion. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

(Corrected)

Labor

LB 1007	Wednesday, February 13, 1974	2:00 p.m.
	instead of Wednesday, March 13, 1974	2:00 p.m.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Richendifer asked unanimous consent to print the following amendments to LB 763 in the Journal. No objections. So ordered.

Amendment to LB 763:

1. On page 2, line 20, strike the new matter and reinstate the stricken matter and insert an underscored period at the end of the line; and in line 21 strike "and in the years in which such" and insert "and in the years in which such". The plates issued in 1972 shall also be valid for 1975. In 1976 a specially-designed plate shall be issued in commemoration of the national bicentennial, which plate shall be valid for the year 1976 only. Such plate shall be on a background of cream with the license number centered thereon in red figures and letters, shall display across the top thereof the word NEBRASKA in cream letters centered on

a background of red flanked in the upper left and right hand corners respectively by a stylized drawing of a covered wagon and an Indian chief in full headdress, and shall display across the bottom thereof 1776 BICENTENNIAL 1976 in cream letters on a background of blue. Beginning with the number plates issued in the year 1977, such plates shall be issued every four years. In the years in which".

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 643. Placed on General File as amended.
Standing Committee amendment to LB 643:

1. On page 2, line 6 strike "Such" and insert "The"; strike "or" and insert "of the mooring"; in lines 7 and 8 strike "Director of Motor Vehicles." and insert "State Civil Defense Agency in cooperation with the Department of Health. The State Civil Defense Agency shall develop rules and regulations to administer and enforce the provisions of this act."

LEGISLATIVE BILL 654. Placed on General File as amended.
Standing Committee amendments to LB 654:

1. Strike the committee amendment found on page 367 of the journal.
2. On page 2, line 4 after "municipality" insert "of the metropolitan class"; strike "~~determined~~" and insert "~~determined decided~~"; after "resolution" insert "or a municipality of any other class has made a determination"; in line 7 strike "~~determined~~" and insert "~~determined decided~~"; after "resolution" insert "or other determination, whichever is applicable,"; in line 11 reinstate "determination" and insert "or" before "resolution"; in line 12 after "county" insert "to be recorded"; after the period insert "No fee shall be charged for such recording or for the release of such recording.".

LEGISLATIVE BILL 826. Placed on General File as amended.
Standing Committee amendments to LB 826:

1. On page 6, line 27 after the period insert: "Inspection fees shall be paid for all departmental inspections of manufacturing plants located outside of the State of Nebraska; such fees shall consist of a reimbursement by the manufacturer of actual departmental travel and inspection expenses only and shall be paid prior to any issuance of seals.".
2. On page 9, line 10 after "electricity" insert "electrical".

(Signed) Maurice A. Kremer, Chairman

SPEAKER PROUD PRESIDING

GENERAL FILE

LEGISLATIVE BILL 613. Title read. Considered.

Mr. Carpenter offered the following amendment which was adopted:

Strike original sections 1 and 2 and insert:

"Section 1. That section 77-202.13, Revised Statutes Supplement, 1973, be amended to read as follows:

77-202.13. All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation (1) the first twenty-five per cent of the actual value of any homestead having an actual value of fifteen hundred dollars or less, (2) the first twenty per cent of the first four thousand dollars of the actual value of any homestead having an actual value in excess of fifteen hundred dollars, (3) the first ninety per cent of the actual value of any homestead of any veteran, as defined in section 80-401.01, drawing compensation from the Veterans' Administration of the United States because of one hundred per cent disability and not eligible for total exemption under the provisions of sections 77-202.08 to 77-202.10, or the unremarried widow of any such veteran or of any veteran who died because of a service-connected disability, or the unremarried widow of a serviceman who died while on active duty during the dates described in section 80-401.01, and (4) in 1973, ~~the first ninety one hundred~~ per cent of the first seventy-five hundred dollars of the actual value of any homestead, and in 1974 and each year thereafter ~~the first ninety one hundred~~ per cent of the first fifteen thousand dollars of the actual value of any homestead of persons qualifying under subdivision (4) of section 77-202.12. This exemption shall also apply to veterans who are totally disabled by a nonmilitary accident or illness. Application for the exemption shall include the sworn statement of a qualified medical physician or certification from a Veterans Administration Hospital affirming that the homeowner is totally disabled. The percentages in subdivisions (1) and (2) of this section shall be increased to fifty and forty-five, respectively, in the case of any veteran as defined in section 80-401.01, for the year in which he reaches seventy years of age and for each subsequent year, or the unremarried widow or widower of any such veteran or the husband or wife of any such veteran when the veteran is not the owner of record.

Sec. 2. That original section 77-202.13, Revised Statutes Supplement, 1973, is repealed."

MR. WHITNEY PRESIDING

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendment to LB 613 in the Journal. No objections. So ordered.

1. On page 2, line 27, strike “two thousand eight hundred”, and show as stricken, and insert “three thousand two hundred”.

2. On page 3, line 2, strike “five” showing the same as stricken and insert “eight”; and in line 5, strike “three” and show as stricken and insert “eight”.

GENERAL FILE

LEGISLATIVE BILL 729. Title read. Considered.

Mr. Luedtke offered the following amendment which was adopted:

1. On Page 3, following subsection (4), insert the following new subsection:

(5) Whenever the word bank is used in section 62-301 it shall include industrial loan and investment company.

2. Change the title of the bill as required.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 608. Title read. Considered.

Standing Committee amendment found in the Journal on page 405 for the Seventeenth Day was adopted.

The Richendifer amendment found in the Journal on page 449 for the Eighteenth Day was adopted.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 639. Title Read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

MR. LUEDTKE PRESIDING

LEGISLATIVE BILL 715. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

MR. WHITNEY PRESIDING

LEGISLATIVE BILL 600. Title read. Considered.

Mr. Dickinson offered the following amendment which was adopted:

1. On page 2, line 3, insert "hospital patient room or patient area," after "any".

Mr. F. Lewis offered the following amendment:

Amend line 13 not less than 100 dollars nor more than five hundred dollars

The amendment lost with 10 ayes, 25 nays and 14 not voting.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays and 17 not voting.

Advanced to E & R for Review with 34 ayes, 8 nays and 7 not voting.

LEGISLATIVE BILL 778. Title read. Considered.

The Standing Committee amendment found in the Journal on page 405 for the Seventeenth Day was adopted.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 632. Title read. Considered.

Mr. Carpenter moved to bracket the bill until February 13, 1974. The motion prevailed.

Mr. Carpenter asked unanimous consent to print the following explanation of proposed amendment to LB 632 in the Journal. No objections. So ordered.

1. Add a new definition to section 77-2702:

"(4) Food products shall mean any tangible personal property for human consumption, except that food products do not include: (a) Medicines, tonics, vitamins and medicinal preparations in any form; (b) bottled water; (c) ice; (d) spirited malt or vinous liquors; (e) carbonated beverages and cocktail mixes, (f) candy and confectionary; and (g) food sales where sale is for immediate consumption and is not sold by a retailer primarily retailing food products requiring home preparation before consumption."

2. Change exemptions from sales tax set forth in section 77-2704:

“(g) (i) ~~Meals and food~~ Food products, including ~~soft drinks and candy, for human consumption~~ carbonated beverages, candy and confectionary, and food sales when the sale is for immediate consumption served by public or private schools, school districts, student organizations, or parent-teacher associations pursuant to an agreement with the proper school authorities, in an elementary or secondary school or at any institution of higher education, public or private, during the regular school day or at an approved function of any such school or institution, but such exemption shall not apply to sales at any facility or function which is open to the general public, except that concession sales by elementary and secondary schools, public or private, shall be exempt;

(ii) ~~Meals and food~~ Food products, including ~~soft drinks and candy, for human consumption~~ carbonated beverages, candy and confectionary, and food sales when the sale is for immediate consumption when sold by a church at a function of such church; and

(iii) ~~Meals and food~~ Food products, including ~~soft drinks and candy, for human consumption~~ carbonated beverages, candy and confectionary, and food sales when the sale is for immediate consumption when served to patients and inmates of hospitals and other institutions licensed by the state for the care of human beings; and

(iv) Food products as defined under the provisions of this act;”

The effect of this will be to exempt food products for home preparation and consumption commencing January 1, 1975.

3. Increase the food sales tax credit to twelve dollars for 1974. Such credit would end on January 1, 1975, when the sales of food products become exempt.

LEGISLATIVE BILL 658. Title read. Considered.

The Standing Committee amendment found in the Journal on page 407 for the Seventeenth Day was adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 664. Title read. considered.

The Standing Committee amendments found in the Journal on page 407 for the Seventeenth Day were rejected.

Mr. F. Carstens offered the following amendment which was adopted:

The lien of the inheritance tax shall cease ten years from the date of death of a decedant and no action shall be maintained for the determination, assessment or collection of said tax, unless a determination of the amount of said tax by the court having jurisdiction thereof shall have been made within such ten year period in which case said lien and the right to maintain any action for the assessment or collection of any tax shall cease five years after said determination or upon payment of said tax, whichever first occurs.

Add the Emergency Clause.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 666. Title read. Considered.

The Standing Committee amendments found in the Journal on page 407 for the Seventeenth day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 670. Bracketed at the request of Mr. Luedtke.

LEGISLATIVE BILL 683. Title read. Considered.

The Standing Committee amendment found in the Journal on page 408 for the Seventeenth day was adopted.

Advanced to E & R Review with 28 ayes, 1 nay and 20 not voting.

LEGISLATIVE BILL 684. Title read. Considered.

The Standing Committee amendment found in the Journal on page 408 for the Seventeenth day was adopted.

Laid over.

MESSAGE FROM SECRETARY OF STATE

February 6, 1974

Vincent D. Brown
Clerk of the Unicameral Legislature
State Capitol

Dear Mr. Clerk:

This letter is to acknowledge receipt of Legislative Bill 43A together with a copy of the Governor's letter dated January 24.

Please be advised that the bill has been officially filed in the office of Secretary of State as of 12:15 p.m. on February 4, 1974.

I note for the record that the Governor signed L.B. 43A on January 24, 1974 at 10 o'clock a.m. I further note that the Governor has certain exceptions to the bill and the Legislature took no action to reconsider nor did the Legislature attempt to override the line item veto.

Respectfully acknowledged,

(Signed) Allen J. Beermann
Secretary of State

UNANIMOUS CONSENT—Members Excused

Mr. Skarda asked unanimous consent to be excused on Friday, February 8, 1974. No objections. So ordered.

Mr. Cavanaugh asked unanimous consent to be excused Thursday, February 7, 1974. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
1017	Public Works	1019	Pub. Hlth & Wel.
1018	Pub. Hlth & Wel.	1020	Pub. Hlth & Wel.

(Signed) Terry Carpenter, Chairman

UNANIMOUS CONSENT—Re-refer Bills

Mr. Carpenter asked unanimous consent to re-refer LB 995 from Labor Committee to Government, Military and Veterans Affairs Committee and LB 329 from Judiciary Committee to Government, Military and Veterans Affairs Committee. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Labor

LB 904	Wednesday, March 6, 1974 (Canceled)	2:00 p.m.
LB 904	Wednesday, February 27, 1974 (Reset)	2:00 p.m.
LB 843	Wednesday, March 13, 1974 (Canceled)	2:00 p.m.
LB 843	Wednesday, March 6, 1974 (Reset)	2:00 p.m.

(Signed) Richard Maresh, Chairman

STANDING COMMITTEE REPORT Constitutional Revision and Recreation

LEGISLATIVE BILL 779. Placed on General File as amended

Standing Committee amendments to LB 779:

1. Amend the bill by inserting a new section to be known as section 1 and to read as follows:

“Section 1. That section 37-501, Revised Statutes Supplement, 1972, be amended to read as follows:

37-501. It shall be unlawful (1) to shoot from any ~~public-highway roadway~~ roadway, as defined in section 39-602, at any bird or animal protected by this act; (2) except as provided in section 37-226, to hunt, shoot, or take or attempt to hunt, shoot, or take any bird or animal with the aid of an artificial light attached to or used from a motor vehicle; Provided, that nothing in this subdivision shall prohibit the hunting on foot of raccoon with the aid of a handlight, or the hunting, shooting, or taking of nonprotected species of wildlife in the protection of property by landowners or operators or their regular employees on land under their control on foot or from a motor vehicle with the aid of artificial light; (3) to hunt, kill or attempt to hunt or kill any protected species from any boat or watercraft while being propelled by sails or electric, gas or steam power or from an airplane or hydroplane; (4) to use any rifle, pistol, revolver, swivel gun, or shotgun larger than ten gauge, in hunting any game birds, or to trap, snare, net or attempt to trap, snare or net any game bird or birds; Provided, that game birds obtained from the holder of a game farm permit or otherwise legally obtained which have been transported and are tagged in accordance with commission regulations and which are being used for dog training purposes, may be reclaimed through the use of recall boxes or recall pens by the holder of a written permit issued by the commission, subject to regulations established by the commission. Such person owning or controlling any device used for reclaiming purposes shall, prior to the operation thereof, pay an annual fee of ten dollars to the commission for each such device under his ownership or control. The commission is hereby authorized to promulgate rules and regulations for the possession, use and licensing of such reclaim devices; (5) to take or needlessly destroy the nest or eggs of any game bird or birds; (6) to hunt, kill or attempt to hunt or kill any game bird or birds by attracting them to the place where hunted by the distribution of grain or other feed, commonly called baiting; (7) except as provided in section 37-214.03, to hunt, kill, take or attempt to hunt, kill or take any game bird or birds from a vehicle of any kind; (8) to hunt, kill, take, trap or attempt to hunt, kill, take or trap any game birds with nets, traps or clubs, except as specified in ~~subsection-subdivision~~ (4) of this section; (9) to hunt, drive, stir up game birds or game animals with or from any aircraft, or boat propelled by sail or power; or (10) to have or carry, except as permitted by law, any shotgun in or on any vehicle on any public highway, unless such shotgun is unloaded.”

2. Renumber sections 1 and 2 as sections 2 and 3 respectively.
3. On page 11, line 6 strike "section" and insert "sections 37-501 and", and in line 7 strike "is" and insert "are".

(Signed) George Syas, Chairman

UNANIMOUS CONSENT—Unbracket LB 632

Mr. Maresh asked unanimous consent to unbracket LB 632. No objections. So ordered.

MOTION—Return LB 632 to Committee

Mr. Maresh moved to return LB 632 to the Revenue Committee for a public hearing. The motion prevailed with 25 ayes, 1 nay and 23 not voting.

VISITORS

President Marsh introduced Mrs. Robert Miller and 15 students from Ryan School, Omaha.

President Marsh introduced Mr. Bill Lindroth, teacher; Mrs. Schluater, sponsor and 10 Senior Class students from Hardy High School, Hardy.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Waldron, the Legislature adjourned until 9:00 a.m., Thursday, February 7, 1974.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FOURTH DAY—FEBRUARY 7, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 7, 1974

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

Our Father, in the midst of the complicated situations of life in the unsolved problems of our state, deliver thy servants from any sense of futility. Let them feel the support and the prayers of the many citizens of this state who are sincerely interested in the best interests of all, and above all, the uplift to the everlasting arms.

Cause them to understand that God's power has never been obstructed by difficulties, nor His love limited by the confusion of human plans. May the very failures of man's best resources lead us to seek the resources of God.

Cleanse our heart of selfishness. Grant that all questions immediately before us may be made so plain that we shall have no forebodings as we make our decisions nor vain regrets after they are made. For Jesus' sake. Amen.

ROLL CALL

The roll was called and all members were present except Mr. F. Carstens who was excused.

CORRECTIONS FOR THE JOURNAL

Twenty-second Day:

Page 505, line 29, insert: "The amendment was adopted with 25 ayes, 0 nays and 24 not voting."

Twenty-third Day:

Page 517, line 5, insert: "(Signed) Richard Maresh, Chairman".

The Journals for the Twenty-second and Twenty-third days were approved as corrected.

DISCUSSION

The members discussed the trucking and energy situation.

NOTICE OF COMMITTEE HEARING
Committee on Committees

The Committee on Committees will meet at 8:00 a.m., Tuesday, February 19, 1974, in the East Lounge, Room 2230, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Environmental Control Council

Margaret Sutherland

Dale Sampson

State Board of Health

Gordon W. Shupe, DDS
E. A. Purtzer

Mrs. Sharon Holyoke
James L. McCoy, RP

(Signed) Ramey C. Whitney, Chairman

SELECT COMMITTEE REPORTS

LEGISLATIVE BILL 652. Replaced on Select File as amended.
E & R amendment to LB 652:

1. In the committee amendment, line 1,
strike "lesser" and insert " 'lesser' and show the same
as stricken".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 764. Indefinitely postponed.
LEGISLATIVE BILL 809. Indefinitely postponed.
LEGISLATIVE BILL 925. Placed on General File.

(Signed) Fred W. Carstens, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Luedtke asked unanimous consent to print the following additional amendment to LB 354 in the Journal. No objections. So ordered.

118. On page 20, line 9, strike "fifty" and insert "thirty-five"; and in line 12, strike "fifty" and insert "thirty-five".

119. On page 25, line 5, strike "at any time during marriage" and insert "except (a) the value of property transferred prior to the marriage of the

decedent and the surviving spouse, and (b) the income, increments, proceeds and reinvestments of such property".

120. On page 37, line 9, insert "or under the laws of the state where execution occurs" after "state".

121. On page 103, line 2 strike "three" and insert "two".

Mr. Carpenter asked unanimous consent to print the following list of the members wishing to go to Washington. No objections. So ordered.

Voting in the affirmative, 37:

Barnett	Burbach	Carpenter	C. Carsten	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Keyes	Kime	F. Lewis	Luedtke
Mahoney	Maresch	Marsh	Marvel	Moylan
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Skarda	Snyder	Stahmer	Stull
Waldron	Wiltse			

Voting in the negative, 10:

Anderson	F. Carstens	Epke	Kennedy	Kremer
Murphy	Simpson	Stromer	Syas	Warner

Not voting, 2:

R. Lewis Whitney

STANDING COMMITTEE REPORTS **Government, Military and Veterans Affairs**

LEGISLATIVE BILL 811. Placed on General File as amended.

Standing Committee amendments printed and on file in the Clerk's office.

(Signed) Ernest Chambers, Chairman

NOTICE OF COMMITTEE HEARINGS **Government, Military and Veterans Affairs**

LB 329 Friday, February 15, 1974

2:00 p.m.

(Signed) Ernest Chambers, Chairman

Public Works

LB 673 Thursday, February 14, 1974 2:00 p.m.
 LB 1017 Thursday, February 14, 1974 2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 490. With Emergency.

A BILL FOR AN ACT to amend sections 39-1320.01, 39-1320.09, and 39-1320.10, Revised Statutes Supplement, 1972, relating to highways; to provide compensation; to prohibit advertising signs as prescribed; to provide for permits, fees and exceptions; to clarify size of sale bills; to provide for injunctive relief; to provide for the determination of damages; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Barnett	Burbach	Carpenter	C. Carsten	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Snyder	Stahmer	Stromer
Stull	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Anderson F. Carstens Skarda Syas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 699. With Emergency.

A BILL FOR AN ACT to amend section 39-685, Revised Statutes Supplement, 1973, relating to highways; to restrict a prohibition against hunting predatory animals; to prohibit certain actions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Rasmussen	Savage	Schmit
Simpson	Snyder	Stahmer	Stromer	Stull
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 2:

Richendifer Syas

Not voting, 3:

F. Carstens Proud Skarda

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Unbracket Bills

Mr. Carpenter asked unanimous consent to unbracket LB 17, LB 17A, LB 77 and LB 77A on Final Reading. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 17. With Emergency.

A BILL FOR AN ACT to amend sections 89-187, 89-1,100, and 89-1,101, Revised Statutes Supplement, 1972, relating to weights and measures; to change duties; to provide exemptions; to provide for fees and the

disposition and use thereof; to change the penalty provision; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Skarda	Snyder	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 1:

Simpson

Not voting, 4:

F. Carstens Keyes Mahoney Stahmer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Duis asked unanimous consent to hold LB 17. No objections. So ordered.

LEGISLATIVE BILL 17A. Laid over at request of Mr. Burbach.

LEGISLATIVE BILLS 77 and 77A. Laid over at request of Mr. Marvel.

MOTIONS—Introduce Bills

Mr. Carpenter moved the introduction of a new bill by the Committee on Miscellaneous Subjects. (Req. No. 1575) The motion prevailed with 33 ayes, 0 nays and 16 not voting.

Mr. Chambers moved the introduction of a new bill by the Committee on Government, Military and Veterans Affairs. (Req. No. 1548)

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed with 36 ayes, 1 nay and 12 not voting.

The Chambers motion to introduce a new bill prevailed with 32 ayes, 6 nays and 11 not voting.

MOTION—Suspend Rules

Mr. Snyder moved to suspend the rules to introduce four new bills by the Committee on Urban Affairs. (Req. Nos. 1512, 1520, 1516 and 1515) The motion prevailed with 31 ayes, 0 nays and 18 not voting.

The motion to introduce the bills prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1021. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Carpenter, 48th District; Skarda, 7th District; Mahoney, 5th District; F. Lewis, 45th District; Luedtke, 28th District.

A BILL FOR AN ACT relating to political subdivisions; to limit fare charges to the elderly; and to provide procedures.

LEGISLATIVE BILL 1022. By Fellman, 4th District, At the Request of the Governor.

A BILL FOR AN ACT relating to elections; to limit the amount of money to be spent by a candidate directly or by others on his behalf when seeking election to public office; to provide for violations; to provide penalties; to amend section 32-1140, Revised Statutes Supplement, 1973; to provide for the certification of statements; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1023. By Government, Military and Veterans Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Richendifer, 16th District; Fowler, 27th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to corporations; to provide that corporations engaged in farming or proposing to commence farming shall

file a report with the Director of Agriculture as prescribed; to provide for violations; and to provide penalties.

LEGISLATIVE BILL 1024. By Urban Affairs Committee: Snyder, 14th District, Chairman; Waldron, 42nd District; Fowler, 27th District; F. Lewis, 45th District; Murphy, 17th District; Syas, 13th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-308, Reissue Revised Statutes of Nebraska, 1943; to provide establishment of departments and offices by ordinance; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1025. By Urban Affairs Committee: Snyder, 14th District, Chairman; Fowler, 27th District; F. Lewis, 45th District; Waldron, 42nd District; Murphy, 17th District; Syas, 13th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-107, Revised Statutes Supplement, 1973; to change certain references regarding election of the mayor; to provide for appointment of officers required by ordinance; and to repeal the original section.

LEGISLATIVE BILL 1026. By Urban Affairs Committee: Snyder, 14th District, Chairman; F. Lewis, 45th District; Fowler, 26th District; Waldron, 42nd District; Murphy, 17th District; Syas, 13th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to cities and villages; to provide that ordinances be submitted to the voters for approval; and to declare an emergency.

LEGISLATIVE BILL 1027. By Urban Affairs Committee: Snyder, 14th District, Chairman; Fowler, 27th District; Waldron, 42nd District; Murphy, 17th District; Schmit, 23rd District; F. Lewis, 45th District.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-321, Revised Statutes Supplement, 1972; to provide certain purchasing procedures; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare Committee

LB 1010 Tuesday, February 19, 1974

2:00 p.m.

LB 1018 Tuesday, February 19, 1974

2:00 p.m.

LB 1019 Tuesday, February 19, 1974 2:00 p.m.
LB 1020 Tuesday, February 19, 1974 2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

Revenue

LB 632 Tuesday, February 19, 1974 (Second Hearing) 2:00 p.m.

(Signed) J. W. Burbach, Chairman

Committee on Committees

February 8, 1974

The Committee on Committees will meet at 8:00 a.m., Thursday, February 21, 1974, in the East Lounge, Room 2230, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Environmental Control Council

Louis Riha
Betty Abbott
Theodore C. Reeves

Leonard J. Schaefer
Eugene M. O'Neill
John T. Harris

(Signed) Ramey C. Whitney, Chairman

SELECT FILE

LEGISLATIVE BILL 730. E & R amendments found in the Journal on page 517 for the Twenty-third Day were adopted.

Advanced to E & R for engrossment.

MOTION—Withdraw LB 702

Mr. Snyder renewed his pending motion found in the Journal on page 477 for the Twentieth Day to withdraw LB 702. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

UNANIMOUS CONSENT—Approve Appointments

Mr. Whitney asked unanimous consent that the Governor's appointments found in the Journal on page 517 for the Twenty-third Day of Rudolf Peralez, Lowell Shaffer and Conrad A. Lawrence be voted on in one record vote. No objections. So ordered.

Voting in the affirmative, 28:

arnett	Carpenter	C. Carsten	DeCamp	Dickinson
pke	Fellman	Hasebroock	Johnson	Kelly
ennedy	F. Lewis	Luedtke	Marsh	Moylan
urphy	Nore	Rasmussen	Richendifer	Savage
impson	Snyder	Stahmer	Stromer	Syas
arner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 21:

Anderson	Burbach	F. Carstens	Cavanaugh	Chambers
Clark	Duis	Fowler	Goodrich	Keyes
Time	Kremer	R. Lewis	Mahoney	Maresh
Farvel	Proud	Schmit	Skarda	Stull
Waldron				

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The President declared the appointments confirmed.

MOTION—Information

Mr. Carpenter moved that everyone be reminded that all state employees, and particularly legislative employees, are expected to respect the confidentiality of information, computerized and noncomputerized, coming to their attention, that such information should not be divulged to anyone not officially entitled to it, and that no attempt by any means could be made to obtain such information by anyone not entitled to receive it.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

MOTION—Statements on Appointments

Mr. C. Carsten moved that a Committee statement be made by the Committee on Committees on appointments.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

GENERAL FILE

LEGISLATIVE BILL 684. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 772. Title read. Considered.

Mr. Warner offered the following amendments to the Standing Committee amendments which were adopted:

1. Eliminate the new subsection (4) on page 3, line 16.
2. Page 10, line 11, strike "school years 1974-75 and" insert "The".
- Line 12, strike ", respectively," and insert "school year".
- Line 14, strike "second preceding" and insert "1973-74".
3. On page 9, after line 19, after "program," line 22, after "children," and line 25, after "children", insert the following language:
"if the amount allocated is insufficient to provide the given percentage reimbursements stated, the State Board of Education shall apportion the amounts available among the qualify districts so that the sum granted each district shall represent a proportionate reduction from the sum it would otherwise receive."
4. Strike the emergency clause.
5. Page 23 line 26 Strike "1975" and Insert "1976"

The Standing Committee amendments found in the Journal on page 444 for the Eighteenth Day were adopted, as amended.

MR. DUIS PRESIDING

Mr. F. Lewis offered the following amendment:
Strike section 11 and 25

The amendment was adopted with 16 ayes, 11 nays and 22 not voting.

Mr. Carpenter requested a roll call vote advancing LB 772.

Voting in the affirmative, 30:

Barnett	Burbach	Carpenter	C. Carsten	Chambers
Clark	DeCamp	Dickinson	Duis	Epke
Fowler	Hasebroock	Johnson	Kelly	Kennedy
Kremer	F. Lewis	Luedtke	Marsh	Marvel
Murphy	Proud	Rasmussen	Schmit	Simpson
Stahmer	Stull	Waldron	Warner	Wiltse

Voting in the negative, 16:

Anderson	Cavanaugh	Fellman	Goodrich	R. Lewis
Mahoney	Maresh	Moylan	Nore	Richendifer
Savage	Skarda	Snyder	Stromer	Syas
Whitney				

Not voting, 3:

F. Carstens Keyes Kime

Advanced to E & R for Review with 30 ayes, 16 nays and 3 not voting.

LEGISLATIVE BILL 827. Considered.

Mr. Barnett moved to strike the Standing Committee amendments. The motion prevailed.

Mr. Kremer asked unanimous consent to withdraw his pending amendment found in the Journal on page 477 for the Twentieth Day. No objections. So ordered.

Mr. Barnett offered the following amendment:

On page 2 add a new Section 2 to read as follows: Section 2. Violation of the provisions of this section shall constitute a misdemeanor. Any person found guilty thereof shall be subject to a fine not less than ten dollars nor more than twenty five dollars. In lieu of the fine, the court may in its discretion sentence such person to work on public streets, parks, or other public property for a period not exceeding two working days. Such work shall be under the supervision of such official as the court shall name. Upon written certification by such official of performance of the work, the sentence shall be deemed to be satisfactory. The court may in lieu of the fine or work penalties prescribed above, sentence such person to complete such rehabilitary tasks as the court shall deem appropriate. Such rehabilitary tasks may include, but are not limited to, writing essays, visiting police stations and personnel, or viewing safety films. Upon completion of the tasks to the court's satisfaction, the sentence shall be deemed to be satisfied.

Mr. Luedtke offered the following amendment to the Barnett amendment, which was adopted:

Strike beginning with "In lieu" in line 4 through "satisfactory" in line 10 and the words "or work penalties" in line 11.

Mr. Barnett asked unanimous consent to withdraw the amendment. No objections. So ordered.

Mr. Cavanaugh offered the following amendment, which was adopted:

Sale of any bicycle in violation of the above provisions shall constitute a misdemeanor.

Any person found guilty thereof shall be subject to a fine not less than twenty five dollars nor more than one hundred dollars.

Mr. Simpson offered the following amendment:

Amend LB 827 by on line 2 strike "6" and inserting "5".

The amendment lost with 10 ayes, 16 nays and 23 not voting.

Advanced to E & R for Review with 32 ayes, 1 nay and 16 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LB 772 in the Journal. No objections. So ordered.

Amend the Carpenter amendment to LB 772 found on page 507, 508 and 509 to strike sub-sections (1), (2), (3), (4), (5), (6), of Sec. 11 and insert sub-section (1) to read: "If the actual expenditures per pupil for the preceding budget year was over \$750 and not over \$900 the budget for the following year shall not exceed 112% of the preceding budget" and sub-section (2) to read: "If the actual expenditures per pupil for the preceding budget year was over \$900 the budget for the following year shall not exceed 110%.

LEGISLATIVE JOURNAL
MESSAGES FROM THE GOVERNOR
February 6, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 508.

This bill was signed by me on February 6, 1974 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon, Governor

JJE:fw

February 7, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

In order that you might be fully informed of what I have learned of latest developments regarding the independent truckers' strike, I am forwarding this report.

The State Patrol has advised me that there have been no additional reports of violence on our highways for Tuesday, Wednesday, or Wednesday night. There have been reports of some truck stop operators being requested to close or not pump diesel fuel.

Trucks are generally moving throughout Nebraska although there is general concern of proceeding east of our state line.

We have been requested and have provided Patrol escort as least in one instance.

The State Patrol has assured me that in cooperation with other law enforcement officials, they are fully capable of handling the situation at present, and despite only one unreasonable demand, I have no intention, for the time being, of calling for additional support. While we do not take the situation lightly and are fully cognizant of the potential for trouble, I am sure we agree that this is a time for cooler heads to prevail. Nevertheless, I am always appreciative of legislative suggestions and advice.

After my two telephone conversations with the White House on Monday, I have since relayed my previous suggestions to the National Governors' Conference to Governor Francis Sargent of Massachusetts, Chairman of the Governors' Transportation Committee, and through him to Department of Transportation Secretary Claude Brinegar.

In Nebraska, we have allowed the same statutory weight limits on the primary and secondary roads to be applied to our interstate.

Governor Shapp of Pennsylvania has been representing the peaceful independent truck operators in negotiations in Washington. I visited with him Wednesday, and passed along our suggestions and actions. He advised that he was hopeful an agreement might still be worked out Wednesday night or today between the White House and the independent truckers.

The plan that has been devised and being given serious consideration is twofold:

1. By Congressional action, a 4 to 5% "pass through" of increased costs be allowed and uniformly granted by the Interstate Commerce Commission without usual hearings and red tape. This I reported to you on Monday.

2. That the Office of Energy Planning would guarantee 100% of all fuel needs to truckers and establish a toll free telephone hot line to that agency that could be used by any trucker.

Governor Shapp said that speed limits basically had not entered into discussion, but that fuel availability and prices were the primary concern of the eastern independent truckers. It is apparent, as we all had maintained, that crowded highways in the eastern United States made driving above 55 mph difficult for both cars and trucks. Of course that is not the condition here in the midwest.

Evidently there is no immediate intention of the administration to roll back fuel prices, but the truckers were not pleased with the price freeze at present levels. Likewise, the administration appears unrelenting in their determination to hold to the 55 mph speed limit.

I shall keep you advised of any significant developments that come to my attention.

Yours very truly,

JJE:fw

(Signed) J. James Exon, Governor

P.S. In conversations this morning at 10:00 a.m., with the White House they confirm that a tentative agreement was reached at 5:00 a.m. today basically as I have outlined above.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
819	Re-referred from Judiciary to Labor	1024	Urban Affairs
1021	Misc. Subjects	1025	Urban Affairs
1022	Misc. Subjects	1026	Urban Affairs
1023	Agric. & Env.	1027	Urban Affairs

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 1024	Wednesday, February 13, 1974	2:00 p.m.
LB 1025	Wednesday, February 13, 1974	2:00 p.m.
LB 1026	Wednesday, February 13, 1974	2:00 p.m.
LB 1027	Wednesday, February 13, 1974	2:00 p.m.

(Signed) Duke Snyder, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 323, 598, 609, 611, 626, 653, 703, 704 and 717.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 821. Placed on General File as amended.
Standing Committee amendments to LB 821:

1. On page 7, lines 25 and 26 strike "~~calendar year~~" and insert "calendar year registration period"; after line 19 insert the following new sections:

"Sec. 2. That section 60-302, Revised Statutes Supplement, 1972, be amended to read as follows:

3 60-302. No motor vehicle, trailer, semitrailer, or cabin trailer, un-
4 less otherwise expressly provided, shall be operated on the highways of
5 this state unless such vehicle is registered in accordance with the provi-
6 sions of this act. Every owner of a vehicle required to be registered
7 shall make application for registration to the county treasurer of the
8 county in which the owner resides, is domiciled, or conducts a bona fide
9 business; Provided, that such application shall be a copy of a certificate
10 of title or, in the case of a renewal of a registration, such application
11 shall be the previous ~~year's~~ registration period's certificate. Any non-
12 sident owner, who desires to register a vehicle or vehicles in this state,
13 shall register in the county where the vehicle is domiciled or where the
14 owner conducts a bona fide business. Each new application shall contain,
15 in addition to such other information as may be required by the department,
16 the name and post-office address of the applicant, a description of the
17 vehicle, including the color, the manufacturer, the identification number,
18 and the weight of the vehicle required by this act. With such application,
19 the applicant shall pay the proper registration fee, as provided in sections
20 60-305.08 to 60-342 and 60-1603. The county treasurer or his agent shall

21 collect in addition to other registration fees, the sum of fifty cents for
22 each and every certificate issued, which fee shall be transmitted by the
23 county treasurer to the State Treasurer and shall, by the State Treasurer,
24 be credited to the Highway Trust Fund.

Sec. 3. That section 60-303, Revised Statutes Supplement, 1972, be
2 amended to read as follows:

3 60-303. In registering motor vehicles, the county treasurer shall
4 neither receive nor accept such application nor registration fee nor issue
5 any registration certificate for any motor vehicle, unless the applicant
6 shall first exhibit proof by tax receipt or otherwise that he has paid all
7 personal taxes upon such motor vehicle, based on the assessment thereof
8 made in the year preceding the year for which such application for registra-
9 tion certificate is made.

Sec. 4. That section 60-305.04, Revised Statutes Supplement, 1972, be
2 amended to read as follows:

3 60-305.04. A nonresident may, if he applies within ninety days from his
4 original registration date and surrenders the registration certificate and
5 license plates which were assigned to him, receive from the county treasurer
6 or the Department of Motor Vehicles if registration was pursuant to section
7 60-305.09, a refund in the amount of fifty per cent of the original license
8 fee, except no refunds shall be made on any license surrenders after the
9 ninth month of the registration period for which the vehicle was registered
10 October 1 of the current licensing year.

2. On page 8, line 14 strike "Except as" and show as stricken; strike
line 15, 16, and line 17 to the period and show as stricken; in line 19
strike "year" and insert "year registration period"; in line 25 strike
"calendar year" and insert "calendar year registration period"; in line 26
strike "sections" and insert "sections section"; strike "and" and show as
stricken; and in line 27 strike "60-311.04" and show as stricken.

3. On page 9, line 1 strike "calendar year" and insert "calendar year
registration period"; in lines 3 to 8 strike the new matter and insert
"The registration period for motor vehicles, trailers, semitrailers and
cabin trailers required to be registered as provided in section 60-302
shall expire on the first day of the month one year from the month of is-
suance, and renewal shall become due on such day and shall become delin-
quent on the first day of the following month.

The above provisions do not apply to dealer's license plates, repos-
session plates, and transporter plates as provided in section 60-320 which
plates shall be issued for a calendar year. That the
registration period for vehicles licensed as apportioned vehicles as pro-
vided in section 60-305.09 will expire December 31 of each year and shall
become delinquent March 1 of the following year.

4. On page 11 strike the new matter in lines 19 to 27.

5. On page 12 strike lines 1 to 21; in line 22 strike "passenger"; in
line 24 strike "thereof" and insert "because of fire, theft, dismantlement,
or junking its registration shall expire".

6. On page 13, line 1 after "fees" insert "on passenger vehicles and
trucks"; in line 5 after "month" insert "application for registration or
for reassignment of number plates and when appropriate renewal tabs to
another motor vehicle shall be made within fifteen days of the date of
purchase".

7. On page 16, line 14 reinstate "year" and strike "registration
period".

8. On page 20, line 7 reinstate "~~year~~" and strike "~~registration period~~"; in line 24 strike "~~sections~~" and insert "~~sections~~ section"; and strike "~~and 60-311.04~~" and show as stricken.

9. On page 21, line 4 reinstate "~~current~~"; after line 10 insert a new section as follows:

"Sec. 12. That section 60-331, Revised Statutes Supplement, 1972, be

2 amended to read as follows:

3 60-331. The registration fee on commercial trucks shall be based upon
4 the gross vehicle weight. Gross vehicle weight shall mean the sum of the
5 empty weights of a truck or truck-tractor and the empty weights of any
6 trailer, semitrailer, or combination thereof with which it is to be operated
7 in combination at any one time, plus the weight of the maximum load to be
8 carried thereon at any one time. The registration fee on commercial truck-
9 tractors shall be based on the gross vehicle weight on such truck-tractors
10 plus the gross vehicle weight of any semitrailer, trailer or combination
11 thereof, connected therewith; Provided, that for the purpose of determining
12 the registration fee, the gross weight of a truck or truck-tractor towing or
13 hauling a disabled or wrecked motor vehicle properly registered for use on
14 the highways shall be only the gross weight of the towing truck or truck-
15 tractor fully equipped and not including the weight of the motor vehicle
16 being towed or hauled. The registration fee on such commercial trucks and
17 truck-tractors shall be at the following rates: For a gross weight of three
18 tons or less, eighteen dollars; for a gross weight exceeding three tons and
19 not exceeding four tons, twenty-five dollars; for a gross weight exceeding
20 four tons and not exceeding five tons, thirty-five dollars; for a gross
21 weight exceeding five tons and not exceeding six tons, sixty dollars; for a
22 gross weight exceeding six tons but not exceeding seven tons, eighty-five
23 dollars; for a gross weight in excess of seven tons, the fee shall be that
24 for a truck having a gross weight of seven tons and in addition thereto,
25 twenty-five dollars for each ton of gross weight over seven tons; Provided,
26 that the fee for thirty-six tons shall be eight hundred ten dollars which
27 shall permit a gross weight of seventy-three thousand two hundred eighty
28 pounds which weight shall be inclusive of the tolerance permitted in sec-
29 tion 39-723.03; provided further, that for fractional tons in excess of
30 the twenty per cent or the tolerance of one thousand pounds, as provided in
31 section 39-723.03, the fee shall be computed on the basis of the next
32 higher bracket; provided further, that the fees provided by this section
33 shall be reduced ten per cent for vehicles used exclusively for the trans-
34 portation of livestock, poultry, unprocessed milk, grain, sugar beets, pota-
35 toes, and hay; and provided further, fees for trucks with a gross weight in
36 excess of thirty-six tons shall be increased by twenty per cent for all
37 such trucks operated on any road or highway not a part of the National Sys-
38 tem of Interstate and Defense Highways. Such fee may be paid one half at
39 the time of registration and one half on July 1 of each year the first day
40 of the seventh month of the registration period when the license fee ex-
41 ceeds two hundred ten dollars. When the second half is paid, the treasurer
42 shall furnish a certificate and plates furnished by the Department of Motor
43 Vehicles which shall be displayed on such truck or truck-tractor in the man-
44 ner provided by law. In addition to the registration fee the department
45 shall collect a sufficient fee to cover the cost of issuing the certificate
46 and plates. If such second half is not paid within thirty days following
47 July 1 the first day of the seventh month, the registration of such truck or
48 truck-tractor shall be canceled and the registration certificate and number

49 plates shall be returned to the county treasurer. Any person who shall fail
50 to return such registration certificate and number plate when required to do
51 so shall be guilty of a misdemeanor and shall, upon conviction thereof, be
52 punished as provided in section 60-331.02.

10. On page 22 strike section 10 and insert the following new sections:

"Sec. 14. That section 77-1238, Revised Statutes Supplement, 1972, be
2 amended to read as follows:

3 77-1238. As used in sections 77-1239 to 77-1242.02, unless the context
4 otherwise requires:

5 (1) Motor vehicle shall mean every motor vehicle, trailer, cabin trail-
6 er and mobile home, as defined in sections 60-1601 and 60-1601.01, subject
7 to the payment of registration fees, permit fees, or ad valorem taxes under
8 the laws of this state;

9 (2) Taxing unit shall mean counties, townships, cities, villages, school
10 districts, junior college districts, municipal universities, and all other
11 subdivisions of the state and all governmental agencies, clothed with the
12 power of levying or providing for the level of general or special taxes;

13 (3) Registration period shall be that period from the date of registra-
14 tion to the first day of the month following one year from the date of is-
15 suance of such registration year shall mean the period from January 1
16 through December 31 of each year;

17 (4) Motor vehicle tax shall mean a tax imposed upon motor vehicles in
18 lieu of an ad valorem tax and

19 (5) Dealer's vehicles on hand shall mean such motor vehicles as are
20 owned and held for resale by motor vehicle dealers.

Sec. 15. That section 77-1240, Reissue Revised Statutes of Nebraska, 1943,
2 be amended to read as follows:

3 77-1240. Except as to motor vehicles subject to the provisions of sec-
4 77-1241.02 to 77-1241.08, the county assessor of each county shall com-
5 pute the motor vehicle tax upon all motor vehicles, except dealer's vehicles
6 on hand, registered in each taxing unit within the county based upon the
7 values certified to him by the State Board of Equalization and Assessment
8 or the Tax Commissioner, and cause a notice of the amount of such tax to be
9 sent through the United States mails to the registrant at the address shown
10 upon his registration certificate, on a prenumbered statement form prescrib-
11 ed by the Tax Commissioner, on or before January 1 of each year the first
12 day of the registration period pursuant to the provisions of section

13 77-1238; the amount so certified together with the registration fee shall
14 be paid prior to the registration of the motor vehicle for the following
15 year registration period. For the purpose of this section the tax situs
16 of each motor vehicle used and owned for nonbusiness purposes shall be in
17 the county, precinct, township, city, village, and school district where
18 such property is principally stored and kept, and of each motor vehicle
19 used or owned by any student such tax situs shall be at the place of resi-
20 dence of such student if different from the place at which he is attending
21 school.

Sec. 16. That section 77-1240.03, Reissue Revised Statutes of Nebraska,
2 1943, be amended to read as follows:

3 77-1240.03. Upon the transfer of ownership of any motor vehicle, the
4 transferor shall be credited with the number of unexpired months remaining
5 in the registration year period; Provided, that where such vehicle is trans-
6 ferred within the same calendar month in which acquired, no refund shall be

7 allowed for such month. Should such transferor acquire another motor ve-
 8 hicle at the time of such transfer, such transferor shall have the credit
 9 herein provided applied toward payment of the motor vehicle tax then owing
 10 and otherwise such transferor shall file a claim with the county assessor
 11 upon a form prescribed by the Auditor of Public Accounts. The county asses-
 12 sor shall certify to the county treasurer the amount of tax refund and the
 13 taxing unit where the motor vehicle is registered. The county treasurer
 14 shall make payment to the claimant from the undistributed motor vehicle
 15 taxes of the taxing unit where the tax money was originally distributed but
 16 no refund of less than two dollars shall be paid.

Sec. 17. That section 77-1241.01, Reissue Revised Statutes of Nebraska,
 2 1943, be amended to read as follows:

3 77-1241.01. Motor vehicles not subject to a motor vehicle tax, and
 4 not registered for operation on the highways, except dealers' vehicles on
 5 hand, shall be subject to the ad valorem tax on tangible property; such
 6 tax shall be computed according to the schedule of values fixed by the
 7 State Board of Equalization and Assessment; Provided, that in the event a
 8 motor vehicle which has been assessed for ad valorem tax purposes, except
 9 dealers' motor vehicles on hand January 1 at 12:01 a.m., is later registered
 10 during the registration ~~year period~~ for which taxes have been assessed, the
 11 owner against whom such ad valorem taxes have been assessed shall be credited
 12 with the proportionate amount for the period during which the motor vehicle
 13 tax has been paid.

11. On page 22, line 20 strike "1975" and insert "1976"; in line 22
 strike "and" and after "60-341," insert "77-1240, 77-1240.03, and 77-1241.01,"
 in line 23 after "sections" insert "60-302, 60-303, 60-305.04," in line 24
 strike "and" and after "60-315," insert "60-331, and 77-1238,".

12. Renumber original sections 2 to 8 as sections 5 to 11 respectively,
 original section 9 as section 13, and original sections 11 and 12 as sec-
 tions 18 and 19 respectively.

Urban Affairs

LEGISLATIVE BILL 713. Placed on General File.

LEGISLATIVE BILL 768. Placed on General File.

LEGISLATIVE BILL 875. Placed on General File as amended.

Standing Committee amendments to LB 875:

1. On page 2, line 1 insert a new section as follows:

"Section 1. That section 14-1821, Revised Statutes Supplement, 1972,
 2 be amended to read as follows:
 3 14-1821. To assist in the defraying of all character of expense of
 4 the authority, and to such extent as in its discretion and judgment may
 5 be necessary, the board shall annually certify a tax for the fiscal year
 6 commencing on the following January 1. Such tax shall not exceed in any
 7 one year ~~one mill three mills~~ on the dollar on the assessed value of all
 8 tangible real and personal property in the city of the metropolitan class,
 9 taxable according to the laws of the State of Nebraska. The board shall by
 10 resolution, on or before July 31, certify such tax levy to the city council
 11 of such metropolitan city. Such city is hereby authorized and required to
 12 cause such tax to be levied and to be collected as are other taxes by the
 13 treasurer of such metropolitan city or the county treasurer as ex officio
 14 treasurer of the city in which said metropolitan city is situated, and

15 paid over by him to the treasurer of such board, subject to the order of
16 such board. If in any year the full amount so certified and collected is
17 not needed for the current purposes of such authority, the balance shall
18 be credited to reserves of such authority, to be used for acquisition of
19 necessary property and equipment.”

2. On page 3, line 6 strike “; Provided, that for” and show as stricken
and insert “. The fare for men aged sixty-five or older and for women
aged sixty-two or older shall not cost in excess of ten cents during nonpeak
operating hours, which hours shall be designated by the local transit author-
ity. For”; in line 18 after “county” insert a “.”; strike “; provided
further, for” and show as stricken and insert “For”.

3. On page 4, line 10 strike “section” and insert “sections 14-1821
and”; in line 11 strike “is” and insert “are”; and renumber original sec-
tions 1 and 2 as sections 2 and 3 respectively.

LEGISLATIVE BILL 991. Placed on General File.

LEGISLATIVE BILL 992. Placed on General File.

LEGISLATIVE BILL 993. Placed on General File.

LEGISLATIVE BILL 994. Placed on General File.

(Signed) Duke Snyder, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Waldron asked unanimous consent to print the following amendment
to LB 434 in the Journal. No objections. So ordered.

1. Strike sections 1 to 3 and insert:

“Section 1. That section 3-150.01, Reissue Revised Statutes of

2 Nebraska, 1943, be amended to read as follows:

3 3-150.01. Any person, firm, partnership, or corporation, except as
4 provided in section 3-150, who shall buy aircraft fuel meeting the speci-
5 cations set up by the Tax Commissioner, and shall use and consume ~~same~~
6 such fuel exclusively for the purpose of operating and propelling air-
7 craft shall be ~~reimbursed one-half entitled to reimbursement~~ of the
8 amount of tax so paid in the manner and subject to the conditions set
9 forth in section 3-151, such reimbursement shall be based on the total
10 gallons purchased by any single person, firm, partnership, or corporation
11 in a calendar year as follows:

12 (1) On purchases of up to five million gallons, a reimbursement of two
13 and one half cents per gallon;

14 (2) On purchases of five million gallons to ten million gallons, a re-
15 imbursement of three cents per gallon; and

16 (3) On purchases of over ten million gallons, a reimbursement of three
17 and one half cents per gallon.

NOTICE OF COMMITTEE HEARINGS

Labor

LB 861 Wednesday, February 20, 1974 (Canceled) 2:00 p.m.

LB 861 Wednesday, February 13, 1974 (reset) 1:00 p.m.

LB 881 Wednesday, February 20, 1974 (Canceled) 2:00 p.m.

LB 881	Wednesday, February 13, 1974 (reset)	<u>1:00 p.m.</u>
LB 882	Wednesday, February 20, 1974 (Canceled)	2:00 p.m.
LB 882	Wednesday, February 13, 1974 (reset)	<u>1:00 p.m.</u>
LB 898	Wednesday, February 20, 1974 (Canceled)	2:00 p.m.
LB 898	Wednesday, February 13, 1974 (reset)	<u>1:00 p.m.</u>
LB 770	Wednesday, February 27, 1974 (Canceled)	2:00 p.m.
LB 770	Wednesday, February 13, 1974 (reset)	<u>1:00 p.m.</u>
LB 907	Wednesday, February 27, 1974 (Canceled)	2:00 p.m.
LB 907	Wednesday, February 13, 1974 (reset)	<u>1:00 p.m.</u>
LB 904	Wednesday, February 27, 1974 (Canceled)	2:00 p.m.
LB 904	Wednesday, February 13, 1974 (reset)	<u>1:00 p.m.</u>
LB 947	Wednesday, March 6, 1974 (Canceled)	2:00 p.m.
LB 947	Wednesday, February 13, 1974 (reset)	<u>1:00 p.m.</u>
LB 951	Wednesday, March 6, 1974 (Canceled)	2:00 p.m.
LB 951	Wednesday, February 13, 1974 (reset)	<u>1:00 p.m.</u>
LB 843	Wednesday, March 6, 1974 (Canceled)	2:00 p.m.
LB 843	Wednesday, February 13, 1974 (reset)	<u>1:00 p.m.</u>

(Signed) Richard Maresh, Chairman

VISITORS

President Marsh introduced 17 students from Lincoln Christian School, Lincoln; teacher Ms. Betty Peterson and 2 mothers.

President Marsh introduced 25 students from Blessed Sacrament School, Lincoln and teachers.

President Marsh introduced former Senator LeRoy Pfister from South Sioux City.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Nore, the Legislature adjourned until 9:00 a.m., Friday, February 8, 1974.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FIFTH DAY—FEBRUARY 8, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 8, 1974

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

Our Father, be gracious to Thy servants here, the legislators of this state. Give them strength for the tasks of this day and guide them in their labors. When they are tempted to wonder whether their high goals are possible of attainment, remind them that Thou art not senile, or asleep, or defeated. Yet, a different world cannot be built by indifferent people. So let us never give up hope for the possibility of change. When we feel the pressure of crisis, remind us that Thou hast plenty of time. We have to remember that Thou art never in a hurry and will not be rushed by the deadlines of impatient men or by the pressures of the selfish. So give us the determination to seek and to do Thy will. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Skarda and Stull who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 7, 1974. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Boyce, William R.,-Omaha, Retail Merchants of Greater Omaha, Inc.
 Byrne, Joseph C.-Omaha, Northwest Baptist Home Society
 Ferguson, Donald L.-Lincoln (Inactive), The School District of the
 City of Lincoln, NE
 Grant, Frank P.-Lincoln, Lincoln Electric System
 Plant, J. James-Lincoln (Reinstated) Represents Self
 Rall, Frank,-Lincoln (Inactive), Nebraskans for Convenient Consumer
 Banking
 Skochdopole, Robert A.-Omaha, Denis O'Keefe, Omaha Chamber of
 Commerce

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 613. Placed on Select File as amended.
 E & R amendment to LB 613:

1. In the title, strike lines 2 to 6 and

insert:

"FOR AN ACT to amend section 77-202.13, Revised Statutes
 Supplement, 1973, relating to taxation; to
 increase certain homestead exemptions; and
 to repeal the original section.".

LEGISLATIVE BILL 729. Placed on Select File as amended.
 E & R amendments to LB 729:

1. In the Luedtke amendment 1, lines 3
 and 4, strike "section 62-301" and insert "this section".
2. In the title, strike lines 4 to 7 and
 insert "provide for alternate or dual recognition of
 prescribed holidays; to provide construction; to repeal
 the original".

LEGISLATIVE BILL 608. Placed on Select File as amended.
 E & R amendments to LB 608:

1. In new section 2, line 1, strike "by
 January 1, 1975 shall" and insert "shall, by January 1,
 1975,"; and in line 3 strike "their respective jurisdictions"
 and insert "its jurisdiction".
2. Renumber original section 2 as section 3.
3. In the title, line 2, strike "abandoned
 cemeteries" and insert "cemeteries and Indian burial grounds";
 in line 4, insert "to increase an authorized expenditure;"
 after the semicolon; and at the end of line 4 insert "to
 require posting;".

LEGISLATIVE BILL 639. Placed on Select File as amended.
 E & R amendment to LB 639:

1. In the title, line 6, strike "salaries"
 and insert "compensation".

LEGISLATIVE BILL 715. Placed on Select File as amended.
E & R amendments to LB 715:

1. On page 2, line 2, insert "organized under Chapter 12, article 9, Reissue Revised Statutes of Nebraska, 1943," after "district"; in line 10, strike "a tax. The sum" and insert "the required tax. The tax"; in line 18 strike "12-1914" and insert "12-914"; and in line 20, strike "sum" and insert "proceeds of the tax".

2. In the title, strike lines 2 to 4 and insert:
"FOR AN ACT relating to cemetery districts; to authorize a special tax and fund for acquiring cemetery property; to provide procedures; and to provide for the disposition of excess funds.".

LEGISLATIVE BILL 600. Placed on Select File.

LEGISLATIVE BILL 778. Placed on Select File as amended.
E & R amendments to LB 778:

1. In new section 3, line 2, insert "take" after the first "and".

2. In the title, line 4, strike "clarify provisions" and insert "redefine a term"; in line 5 strike "and"; and in line 5 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 658. Placed on Select File as amended.
E & R amendments to LB 658:

1. On page 2, line 9, insert "of" after "court".

2. In the title, strike beginning with "to" in line 6 through the semicolon in line 7.

LEGISLATIVE BILL 664. Placed on Select File as amended.
E & R amendments to LB 664:

1. Preceding the matter added by the F. Carstens amendment, insert "on page 2 strike beginning with 'Except' in line 3 through line 15, showing old and stricken matter as stricken and at the end of line 15 insert".

2. In the new matter added by the F. Carstens amendment, lines 3, 4, and 6, and both places in line 8, strike "said" and insert "such"; and insert an underscored comma at the end of line 5.

3. Add a new section to read:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. In the title, strike lines 4 to 6 and insert "provided for the expiration of inheritance tax heirs; to repeal the original section; and to declare an emergency."

LEGISLATIVE BILL 666. Placed on Select File as amended. E & R amendment to LB 666:

1. In the title, line 6, strike "and"; and in line 6 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 683. Placed on Select File as amended. E & R amendments to LB 683:

1. On page 2, line 7, insert "other" after the first "or"; and in line 16 strike "or other device or" and insert "master wire, master film, or other".

2. On page 3, line 2, strike "such"; strike line 10 and insert "section 1 or 2 of this act shall be guilty of a misdemeanor and shall, upon conviction"; and in line 11 strike "in a sum of".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS

Labor

LEGISLATIVE RESOLUTION 103. Placed on General File.

Statement on LR 103

The purpose of this resolution is to urge the defeat of all these bills introduced into Congress which would establish federal standards for state workmen's compensation laws, in order to preserve the state workmen's compensation system and to encourage all states to continue to improve their workmen's compensation system. These bills include extending federal payments for black lung benefits (underground coal miners), providing for payments of other specific lung diseases, one covering all lung diseases, one specifically covering all agricultural workers, and others, and the bills which include all of the foregoing but goes even further, S.2008 and H.R. 8771. These bills all provide for federal preemption if the states do not meet federal standards. The intent of this resolution is to urge the defeat of all these bills in order to preserve the state workmen's compensation system and to encourage all states to continue to improve their workmen's compensation system.

S.2008 is essentially a labor bill designed to bring the state workmen's compensation system under tight federal control. It has very serious implications for several major groups interested in workmen's

compensation, and they are as follows: employers will be saddled with billions of dollars in additional costs; State Legislatures will find their legislative functions usurped by S.2008's sweeping delegation of standard-setting authority to the Secretary of Labor and the Secretary of Health, Education and Welfare; state workmen's compensation administrators will find their state laws replaced by federal law, and in many states will not have the legal authority to administer federal law, and state workmen's compensation funds may find themselves out of business under S.2008. In many states, the funds' charters authorize them to provide coverage consistent with the state workmen's compensation law, and would not authorize them to provide coverage under federal law.

In introducing S.2008, Senator Javits presented it as a simple standards bill designed to strengthen state workmen's compensation laws and to implement the recommendations of the National Commission on State Workmen's Compensation laws. In reality, this bill would federalize the state workmen's compensation system.

H.R. 8771, the house bill introduced by Congressmen Perkins and Daniels is identical to the Williams-Javits bill, S. 2008.

The vote to advance LR 103 to General File was:

Carstens - yes, Cavanaugh - yes, Dickinson - yes, Kelly - yes,
Kennedy - yes, Kime - yes, Maresh - yes.

(Signed) Richard Maresh, Chairman

ATTORNEY GENERAL'S OPINION

February 7, 1974

Dear Senator Stahmer:

You have asked if L.B. 973 of the 1974 Session of the Nebraska Legislature pertains solely to School District Number 66 of Douglas County or would it also pertain to the School District of Millard and the School District of Ralston.

Upon examining L.B. 973 it seems clear that this proposed legislation does pertain to School District Number 66 of Douglas County but whether or not it also pertains to the School District of Millard and the School District of Ralston depends upon a number of facts which are not before us.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc Mr. Vincent D. Brown

REPORT OF EMPLOYEES

During the month of January, 1974, there were 152 full and part-time employees being paid from Fund 1025, Program 121, Legislative Session Services. The total payroll for the month was \$60,064.20, of which \$1,320.78 was overtime. The total figure includes the State's share of OASI and retirement and insurance contributions.

Detailed information is on file in the Accounting and Budgeting office of the Legislative Council.

NOTICE OF COMMITTEE HEARINGS**Agriculture and Environment**

LB 894	Friday, February 15, 1974 (Second Hearing)	2:00 p.m.
LB 1023	Friday, February 15, 1974	2:00 p.m.

(Signed) Loran Schmit, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 655.

A BILL FOR AN ACT to amend sections 18-1216, 18-1217, 18-1218, 18-1219, and 18-1220, Revised Statutes Supplement, 1973, relating to cities and villages, all; to eliminate cities of the metropolitan class from the requirement of notice by political subdivisions imposing any special assessment for public works or public improvements; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Barnett	Carpenter	C. Carsten	Goodrich	Hasebroock
Johnson	Kelly	Kime	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Moylan	Murphy
Proud	Rasmussen	Richendifer	Schmit	Simpson
Snyder	Stahmer	Stromer	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 14:

Anderson	Burbach	Cavanaugh	Chambers	Clark
DeCamp	Epke	Fowler	Kennedy	Keyes
F. Lewis	Marsh	Marvel	Nore	

Not voting, 7:

F. Carstens	Dickinson	Duis	Fellman	Savage
Skarda	Stull			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 680. With Emergency.

A BILL FOR AN ACT to amend section 8-823, Revised Statutes Supplement, 1973, relating to banks; to remove the restriction against taking real estate as security for a personal loan; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Murphy	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Snyder	Stahmer	Stromer
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 1:

Nore

Not voting, 4:

Marvel	Skarda	Stull	Syas
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION—Return LB 986 to Select File

Mr. Stahmer moved to return LB 986 to Select File for the following specific amendment:

Page 3, line 7 change 27,348 to be increased 10,000 plus appropriate fringe benefits.

Mr. Carpenter moved to amend the Stahmer motion to \$50,000.

Mr. Whitney asked unanimous consent to bracket the bill. Mr. Nore objected.

Mr. Carpenter asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Stahmer asked unanimous consent to withdraw his amendment. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 986. With Emergency.

A BILL FOR AN ACT to provide for the payment of the salaries of the officers of the Nebraska state government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1975; to provide for the payment thereof; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Rasmussen	Richendifer	Savage
Schmit	Simpson	Snyder	Stahmer	Stromer
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Mahoney	Proud	Skarda	Stull
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 987. With Emergency.

A BILL FOR AN ACT to provide for the payment of the salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1974 to June 30, 1975; to appropriate the sum of two hundred forty-eight thousand nine hundred sixty-nine dollars therefor; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Snyder	Stahmer
Stromer	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Mahoney	Skarda	Stull
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 115.

Introduced by Murphy, 17th District.

WHEREAS, there are many agencies in this state providing human services; and

WHEREAS, the legal, program, and administrative inter-relationships of these agencies result in public confusion; and

WHEREAS, having many agencies providing human services suggests a lack of efficiency and costly duplication; and

WHEREAS, there is no central information system which provides

data control on patients, clients, budgets, and costs; and

WHEREAS, the system of referral is used to bypass those individuals whose requirements are difficult to meet, while agencies compete for the easy to serve; and

WHEREAS, coordination and cooperation of all agencies at all levels of government are needed; and

WHEREAS, the provision of services to eligible persons must be the primary emphasis of the human services agencies, rather than self-perpetuation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a legislative study committee be appointed to investigate the problems and relationships of all agencies dealing with human services.

2. That such committee investigate the feasibility of a human resource agency to coordinate and control the quality of human services.

3. That such committee make a report to the Legislature with such recommendations as it may deem necessary.

Referred to Executive Board.

ANNOUNCEMENTS

Speaker Proud suggests most committee hearings be concluded by February 18, 1974.

Mr. Duis announced an Executive Session of the Rules Committee at 1:30 a.m. on Monday, February 11 in room 2102.

Speaker Proud suggested we start all day sessions on February 19, 1974.

REFERENCE COMMITTEE REPORT

LB
819

Committee
Re-referred Labor to Government, Military & Veterans Affairs

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARINGS Government, Military and Veterans Affairs

LB 819 Friday, February 15, 1974

2:00 p.m.

(Signed) Ernest Chambers, Chairman

Public, Health and Welfare

LB 965 Monday, February 18, 1974

2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Luedtke asked unanimous consent to print the following amendments to LB 228 and 228A in the Journal. No objections. So ordered.

Amendments to LB 228:

Amendments are to the Final Reading (Second) bill

3 1. Insert a new section to read:

4 "Section 1. That section 24-703, Revised
5 Statutes Supplement, 1973, be amended to read as follows:

6 24-703. (1) Each original member shall
7 contribute monthly four per cent of his monthly salary to
8 the fund, but such contribution shall not be made from
9 any supplemental salary provided by section 24-301.01.
10 It shall be the duty of the Director of Administrative
11 Services to make a deduction of four per cent on the
12 monthly payroll of each original member who is a Judge of
13 the Supreme Court, or a judge of the district court, or a
14 judge of a separate juvenile court, or a judge or
15 associate judge of the county court or a judge of the
16 Nebraska Workmen's Compensation Court showing the amount
17 to be deducted and its credit to the fund. ~~It shall be~~
18 ~~the duty of the county clerk of each county to make a~~
19 ~~deduction of four per cent on the monthly payroll of the~~
20 ~~judge of a separate juvenile court if he is an original~~
21 ~~member, excluding for purposes of such deduction any~~
22 ~~supplemental salary provided for in section 24-301.01,~~
23 ~~and to pay all amounts so deducted to the executive~~
24 ~~officer in charge of the judges retirement system to be~~
25 ~~credited to the Nebraska Retirement Fund for Judges. It~~
1 shall be the duty of the city clerk in each city having a
2 municipal court established by Chapter 26, article 1, to
3 make a deduction of four per cent on the monthly payroll
4 of each municipal judge who is an original member and to
5 pay all amounts so deducted to the executive officer in
6 charge of the judges retirement system to be credited to
7 the Nebraska Retirement Fund for Judges. This shall be
8 done each month; Provided, in the event such remittance
9 would amount to less than twenty-five dollars per month,
10 such city clerk may remit quarterly. The Director of
11 Administrative Services and the State Treasurer shall
12 credit the four per cent as shown on the payroll and the
13 amounts received from the various counties and cities to
14 the fund and remit the same to the executive officer in
15 charge of the judges retirement system who shall keep an
16 accurate record of the contributions of each judge.
17 (2) Each future member shall contribute monthly
18 six per cent of his monthly salary to the fund, but such
19 contribution shall not be made from any supplemental

20 salary provided for in section 24-301.01. It shall be
21 the duty of the Director of Administrative Services to
22 make a deduction of six per cent on the monthly payroll
23 of each such future member who is a Judge of the Supreme
24 Court, or a judge of the district court, or a judge of a
25 separate juvenile court, or a judge or associate judge of
26 the county court or a judge of the Nebraska Workmen's
27 Compensation Court showing the amount to be deducted and
1 its credit to the fund. ~~It shall be the duty of the~~
2 ~~county clerk of each county to make a deduction of six~~
3 ~~per cent on the monthly payroll of the judge of a~~
4 ~~separate juvenile court, if he is such a future member,~~
5 ~~excluding for purposes of such deduction any supplemental~~
6 ~~salary provided for in section 24-301.01, and to pay all~~
7 ~~amounts so deducted to the executive officer in charge of~~
8 ~~the judges retirement system to be credited to the~~
9 ~~Nebraska Retirement Fund for Judges.~~ It shall be the
10 duty of the city clerk in each city having a municipal
11 court established by Chapter 26, article 1, to make a
12 deduction of six per cent on the monthly payroll of each
13 municipal judge, who is such a future member and to pay
14 all amounts so deducted to the executive officer in
15 charge of the judges retirement system to be credited to
16 the Nebraska Retirement Fund for Judges. This shall be
17 done each month. The Director of Administrative Services
18 and the State Treasurer shall credit the six per cent as
19 shown on the payroll and the amounts received from the
20 various counties and cities to the fund and remit the
21 same to the executive officer in charge of the judges
22 retirement system who shall keep an accurate record of
23 the contributions of each judge.

24 (3) A Nebraska Retirement Fund for Judges fee of
25 one dollar shall be taxed as costs in each civil and
26 criminal cause of action or proceeding filed in the
27 district courts and the county courts and in county
1 courts a sum equal to ten per cent of each fee provided
2 by sections 33-125, 33-126, and 33-126.02, except on the
3 fees provided for in section 33-125 for the dismissal of
4 a cause, and in sections 33-126 and 33-126.02 for filing
5 of report. A similar fee shall be charged in each cause
6 of action or proceeding in municipal court, including
7 prosecutions for violation of state law or any city
8 ordinance. The fee established by this subsection shall
9 not be collected for nonmoving traffic violations handled
10 by a violations bureau established by the local governing
11 body, nor shall it be collected in any cause or
12 proceeding in a municipal court where the cause,
13 proceeding, or defendant has been dismissed by the court.

14 When collected by the clerk of the district, county or
15 municipal court, such fees shall be paid to the executive
16 officer in charge of the judges retirement system on
17 forms prescribed by the board by said clerk within ten
18 days after the close of each calendar quarter. Such
19 executive officer shall promptly thereafter remit the
20 same to the state treasury. Upon the receipt thereof,
21 the State Treasurer shall credit the same to the Nebraska
22 Retirement Fund for Judges.

23 (4) The Nebraska Retirement Fund for Judges shall
24 be divided into two separate funds: (a) The Original
25 Members' Fund, and (b) the Future Members' Fund. All
26 expenditures from the funds must be authorized by voucher
27 in the manner prescribed in section 24-713. The funds
1 shall be used for the payment of all annuities and other
2 benefits, and for the expenses of administration.

3 (5) The Original Members' Fund shall be the fund
4 into which shall be paid the total fund as of December
5 25, 1969, the contributions of original members as
6 provided in subsection (1) of this section, the matching
7 contributions for municipal judges as provided in section
8 24-703.01, all supplementary court fees as provided in
9 subsection (3) of this section until such time as the
10 assets in such fund equal the liabilities of such fund,
11 and any required contributions of the state.

12 (6) The Future Members' Fund shall be the fund
13 into which shall be paid the contributions of future
14 members as provided in subsection (2) of this section,
15 the matching contributions for municipal judges as
16 provided in section 24-703.01, all supplementary court
17 fees as provided in subsection (3) of this section after
18 such time as the assets in the Original Members' Fund
19 equal the liabilities of such fund, and any required
20 contributions of the state. Not later than January 1, of
21 each year the State Treasurer shall transfer to the
22 Future Members' Fund the amount certified by the board as
23 being necessary to pay the cost of any benefits accrued
24 during the fiscal year ending the previous June 30, in
25 excess of future member contributions for that fiscal
26 year, and court fees as described above, if any, for that
27 fiscal year plus any required contributions of the state,
1 as provided in subsection (9) of this section.

2 (7) Except as provided in subsection (8) of this
3 section, benefits under the retirement system to original
4 members or to their beneficiaries shall be paid from the
5 Original Members' Fund. All benefits under the
6 retirement system to future members or to their

7 beneficiaries shall be paid from the Future Members'
8 Fund.

9 (8) Any member who is making contributions to the
10 fund on December 25, 1969 may, on or before June 30,
11 1970, elect to become a future member by delivering
12 written notice of such election to the board. The board
13 shall thereupon direct the State Treasurer to transfer
14 all contributions of such judge to the Future Members'
15 Fund and such judge shall thereafter participate only in
16 the Future Members' Fund.

17 (9) Not later than January 1 of each year the
18 State Treasurer shall transfer to the fund an amount,
19 determined on the basis of an actuarial valuation as of
20 the previous June 30 and certified by the board, to fully
21 fund the unfunded accrued liabilities of the system by
22 level payment up to January 1, 1994. Such required
23 state contribution shall be divided each year between the
24 Original Members' Fund and the Future Members' Fund in
25 the ratio of the remaining unfunded accrued liability of
26 each fund."

1 2. Renumber sections 1 to 4 as sections 2 to 5.

2 3. On page 2, line 12, strike "1973" and insert
3 "1974"; and in line 14, strike "is" and insert "and
4 section 24-703, Revised Statutes Supplement, 1973, are".

5 4. In the title, line 3, insert ", and section
6 24-703, Revised Statutes Supplement, 1973" after "1943";
7 and in line 4, insert "to provide for retirement
8 contributions;" after the semicolon.

Amendment to LB 228A

1. On page 2, line 4, and in the title,
line 5, strike "1973 to June 30, 1974" and insert
"1974 to June 30, 1975".

STANDING COMMITTEE REPORTS **Appropriations**

LEGISLATIVE BILL 676. Placed on General File.

LEGISLATIVE BILL 792. Placed on General File.

LEGISLATIVE BILL 824. Placed on General File as amended.
Standing Committee amendments to LB 824:

1. On page 2, lines 1 and 2 strike "city, village, or county"
and insert "unit of local government"; in line 7 after "funds"
insert "and other available resources".

2. On page 3 after line 1 insert a new section as follows:
"Sec. 3. The provisions of this act are supplementary to

2 existing laws relating to any unit of local government, and confers

3 upon such units of local government powers not previously granted
 4 by state law to permit those governmental subdivisions to use such
 5 funds and other available resources for the purposes of this act,
 6 and any unit of local government shall have the power to join with
 7 any other governmental subdivision, or with any agency or public
 8 corporation, whether federal, state, or local, or with any number
 9 or combinations thereof, by contract or otherwise, in the joint
 10 ownership, operation of any function, or power pursuant to the
 11 provisions of this act, or in agreements containing the provision
 12 that one or more operate or perform for the other or others.”

3. Renumber original section 3 as section 4.

(Signed) Richard D. Marvel, Chairman

Public Health and Welfare

LEGISLATIVE BILL 854. Indefinitely postponed.

LEGISLATIVE BILL 834. Placed on General File as amended.

Standing Committee amendment to LB 834:

1. Insert a new section 2 to read as follows:

“Sec. 2. After July 1, 1975, the amount of monthly assistance paid with respect to a dependent child shall be adjusted quarterly by the increase in the cost of living as determined by the difference between the consumers Price Index for Urban Wage Earners and Clerical Workers from July 1, 1975.”

2. Renumber section 2 as section 3.

LEGISLATIVE BILL 909. Placed on General File.

LEGISLATIVE BILL 977. Placed on General File as amended.

Standing Committee amendment to LB 977:

1. Insert a new section 2 to read as follows:

“Sec. 2. After July 1, 1975, the amount of monthly assistance paid with respect to a dependent child shall be adjusted quarterly by the increase in the cost of living as determined by the difference between the Consumers Price Index for Urban Wage Earners and Clerical Workers from July 1, 1975.”

2. Renumber section 2 as section 3.

(Signed) Thomas C. Kennedy, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 627. Indefinitely postponed.

(Signed) George Syas, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Richendifer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION—Holidays

Mr. Goodrich moved that we advise the Governor that in our opinion it is not necessary to require executive branch personnel to work even on a skeleton basis on February 12 and 18, 1974.

The motion lost with 12 ayes, 13 nays and 24 not voting.

MOTIONS—Return Bills to Select File

Mr. Schmit moved to return LB 77A to Select File for the following specific amendment:

1. On page 2, line 4 strike "1973" and insert "1974" and strike "1974" and insert "1975".

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Mr. Burbach moved to return LB 17A to Select File for the following specific amendment:

1. Page 2, line 2, strike "fifty-three" and insert "sixty-five"; and insert "nine hundred eighty-seven" after "thousand".

2. Page 2, line 3, strike "1973" and insert "1974".

3. Page 2, line 4, strike "1974" and insert "1975".

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

MR. SIMPSON PRESIDING**SELECT FILE**

LEGISLATIVE BILL 652. E & R amendment found in the Journal on page 531 for the Twenty-fourth day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 77A. The Schmit specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 17A. The Burbach specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-Engrossment.

MOTIONS—Introduce Bills

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment. (Req. No. 1586) The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment. (Req. No. 1557) The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1028. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Rasmussen, 41st District; Dickinson, 31st District; C. Carsten, 2nd District; Kime, 43rd District; Kennedy, 21st District.

A BILL FOR ACT to amend section 84-211, Reissue Revised Statutes of Nebraska, 1943, relating to the Attorney General; to provide for the appointment of an assistant attorney general to investigate and prosecute violations of antitrust laws; and to repeal the original section.

LEGISLATIVE BILL 1029. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Dickinson, 31st District; Rasmussen, 41st District; Kime, 43rd District; C. Carsten, 2nd District; Kennedy, 21st District; Epke, 24th District.

A BILL FOR AN ACT to amend section 81-1526, Reissue Revised Statutes of Nebraska, 1943, sections 81-1503, 81-1506, 81-1507, 81-1509, 81-1513, and 81-1527, Revised Statutes Supplement, 1972, and sections 81-1504 and 81-1505, Revised Statutes Supplement, 1973, relating to the Environmental Protection Act; to clarify responsibilities of the Environmental Control Council and the Director of Environmental Control; to change provisions as to variances, trade secrets, and effluent data; to provide guidelines for adoption of standards, rules and regulations; to repeal the original sections, and also sections 81-1521 and 81-1531, Reissue Revised Statutes of Nebraska 1943; and to declare an emergency.

LEGISLATIVE BILL 975A. By Kremer, 34th District.

A BILL FOR AN ACT to appropriate twenty thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Nebraska Natural Resources Commission, Agency No. 55 for Program 334, Soil and Water Conservation, to aid in carrying out the provisions of Legislative Bill 975, Eighty-third Legislature, Second Session, 1974.

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 334 in the Journal. No objections. So ordered.

Amendments to LB 334:

1. On page 2 strike lines 2 to 4 and in line 5 strike "government and public agencies; and to".
2. On page 3 line 15 strike ", and all questions directed to the"; and strike lines 16 and 17 to the semicolon.
3. On page 4 line 2 strike "timed to allow for such"; strike lines 3 and 4 and insert "terminated whenever the officer being interrogated requests termination,"; strike lines 10 to 13; in line 23 strike "whenever the interrogation relates to the"; strike lines 24 to 27; and renumber original subdivisions (i) and (j) as (h) and (i) respectively.
4. On page 5 strike lines 1 to 23.
5. On page 6 strike lines 13 to 27.
6. Renumber original sections 6 and 7 as sections 3 and 4 respectively.
7. On page 7 strike lines 1 to 20; in line 23 strike "as established in this section,"; and renumber original section 9 as section 5.

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 873. Placed on General File as amended.

Standing Committee amendments to LB 873:

1. Add a new section to be known as section 3 and to read as follows:

"Sec. 3. In the event that the Congress of the United States shall, while the Legislature is not in session, amend the Emergency Highway Energy Conservation Act to change the maximum speed limit required for compliance with said act, the Governor shall alter the speed limit to comply with said amendment to the Emergency Highway Energy Conservation Act. Such action by the Governor shall be effective only until the Legislature shall next convene and within thirty legislative days thereafter either affirm or alter the action taken by the Governor during the legislative adjournment.

If the Legislature shall fail to act within thirty legislative days after convening, it will be deemed to have affirmed the action of the Governor in altering said speed limit to comply with the amendment to the Emergency Highway Energy Conservation Act. Such authority vested in the Governor to alter the speed limits shall exist only until the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, whichever date occurs first."

2. Renumber original sections 3 and 4 as section 4 and 5 respectively.

LEGISLATIVE BILL 880. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 434. Title Read. Considered.

Mr. Waldron moved to reject the Standing Committee amendments found in the Journal on page 952 for the Fifty-sixth Day and adopt his pending amendment found in the Journal on page 549 for the Twenty-fourth Day.

Mr. Whitney moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 8 nays and 24 not voting.

The motion to reject the Standing Committee amendments and adopt his amendment prevailed with 17 ayes, 10 nays and 22 not voting.

Mr. Duis offered the following amendments:

1. On page 2, line 4, strike "two" and insert "six"; and reinstate the stricken matter in lines 5 and 7.
2. On page 2, line 26, insert "of six cents" after "tax".
3. On page 3, line 6, insert "six cents per gallon" after "the".

The amendments lost with 14 ayes, 17 nays and 18 not voting.

Mr. DeCamp moved to indefinitely postpone LB 434.

MRS. MARSH PRESIDING

The motion to Indefinitely Postpone prevailed with 23 ayes, 14 nays and 12 not voting.

LEGISLATIVE BILL 685. Laid over until Monday, February 11, 1974 at the request of Mr. Carpenter.

LEGISLATIVE BILL 697. Title read. Considered.

Standing Committee amendments found in the Journal on page 408 for the Seventeenth Day were adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 640. Title read. Considered.

Standing Committee amendment found in the Journal on page 409 for the Seventeenth Day was adopted. Laid over.

PRESIDENT MARSH PRESIDING

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Barnett asked unanimous consent to use the East Chamber on February 14 at 7:00 p.m. for the Government, Military and Veterans Affairs Committee hearing. No objections. So ordered.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 630. Placed on General File as amended. Standing Committee amendments to LB 630:

1. On page 2, line 4 strike the new matter and reinstate the stricken matter.

2. On page 2 after section 1 insert three new sections to read as follows:

"Sec. 2. That section 23-2504, Revised Statutes Supplement, 1972, be amended to read as follows:

23-2504. (1) The commission shall consist of five-seven members who shall be in sympathy with the application of merit principles to public employment. No member of the commission shall be a member of any local, state or national committee ~~of a political party or an officer or member of a committee~~ in any partisan political club or organization.

~~(2) The members of the commission shall be as follows:~~
~~(a) Two elected officers selected from the offices of and elected by the county commissioners, clerk, assessor, treasurer, public defender, register of deeds, clerk of the district court, surveyor and sheriff, being of opposite political parties if possible, and~~
~~each party shall separately select its own member, (b) two full time permanent county employees, and (c) one public member holding no public or political office. The initial two such employees shall be elected by the two elected officers referred to in subdivision (a) of this subdivision as follows: Any such employee who is at least twenty one years of age may submit his name as a candidate to the elected officer of his own party who shall then select one commission member from such list of names. The four members of the commission shall then select the public member. The commission shall establish employee election procedures which shall provide that all county employees subject to sections 23-2501 to 23-2516 may vote and, if not less than twenty one years of age, be candidates for a member of the commission. One employee member of the commission shall be a democrat elected by the democrat registered employees subject to sections 23-2501 to 23-2516 and one employee member of the commission shall be a republican elected by the republican registered employees subject~~

~~to sections 23-2501 to 23-2516. An employee otherwise eligible to vote and be a candidate for the office of employee member of the commission, but who is not registered as either a democrat or a republican, may become eligible to vote, and become a candidate for the office of employee member of the commission by making a declaration that he desires to vote for such a member of the commission, or be a candidate for such office, and, in the same declaration, designating the party, democrat or republican, with which he desires to be affiliated for this purpose. After making such declaration, that employee shall have the same right to vote for a candidate, and be a candidate for the office of employee member of the commission as he would have had if he were a registered member of the party so designated in the declaration. The manner, form, and contents of such declaration shall be initially established by the two elected officials referred to in subdivision (2) (a) of this section, subject to modification by the commission after it has been fully formed.~~

~~(3) The initial term of office of (a) the two elected officers shall be three years from May 21, 1971; (b) the initial term of office of the county employees shall be two years from May 21, 1971; and (c) the initial term of the public member shall be three years from May 21, 1971.~~

~~At the expiration of the initial term of office, a successor member shall be elected or appointed as provided in sections 23-2501 to 23-2516 for a term of three years. Membership on the commission of any member shall terminate upon the resignation of any member or at such time as the member no longer complies with the qualifications for election or appointment to the commission. In the event a member's term terminates prior to the expiration of the term for which he was elected or appointed, the commission shall appoint a successor complying with the same qualifications for the unexpired term.~~

(2) The members of the commission shall be as follows: (a) Two elected officers elected from the offices of the county clerk assessor, treasurer, public defender, register of deeds, clerk of the district court, surveyor, county attorney, and sheriff, (b) four full-time permanent civil service county employees, and (c) one county commissioner from the board of commissioners.

(3) The members of the commission shall be elected by a vote of all the civil service county employees as follows: (a) The four county employees shall be elected from a list of qualified candidates consisting of not more than one candidate from each of the represented departments, which candidates shall be selected by the civil service employees of that department, (b) the two elected officers shall be elected from a list of qualified candidates consisting of all the elected officials of the various departments referred to in subsections (2) (a) of this section,

and (c) the county commissioner shall be elected from a list of candidates consisting of all the elected officials of the board of county commissioners. The election commissioner shall establish election procedures which shall be nonpartisan and free of coercion and provide that all county employees subject to this act may vote and, if not less than nineteen years of age, be candidates for a member of the commission. A notice that a commission shall be formed by an election and the procedures thereof shall be posted in the courthouse and all departments at least sixty days prior to the date of the election. A sample ballot indicating the list of employee candidates, elected officials, and commissioners as candidates shall be posted in the courthouse and all departments at least thirty days prior to the date of the election. The election commissioner shall determine whether or not the various candidates are qualified to serve on the commission. Any candidate that wishes to withdraw may do so by submitting his withdrawal to the election commissioner and stating the reasons for such withdrawal. In the case of county employees this shall be done in sufficient time so that the candidate receiving the second highest number of votes from his departmental election may serve as a replacement and be approved by the election commissioner.

(4) The initial term of office of (a) the two elected officers shall be two years from July 1, 1974, (b) the initial term of office of the county employees shall be one year from July 1, 1974, and (c) the initial term of the county commissioner shall be two years from July 1, 1974. The present members of any commission shall serve until their successors are elected.

At the expiration of the initial term of office a successor shall be elected as provided in sections 23-2501 to 23-2516 for a term of three years. Membership on the commission of any member shall terminate upon the resignation of any member or at such time as the member no longer complies with the qualifications for election or appointment to the commission. In the event a member's term terminates prior to the expiration of the term for which he was elected, the commission shall call a special election to appoint a successor complying with the same qualifications for the unexpired term.

In all cases, members of the commission shall act in the best interests of the represented county employees and the intent and purpose of the county civil service system.

Sec. 3. That section 23-2505, Revised Statutes Supplement, 1972, be amended to read as follows:

23-2505. The members of the commission shall not receive compensation for their services but shall be reimbursed for such

necessary expenses and mileage as may be incurred in the performance of their duties. The county board shall provide sufficient funds in order that such commission may function as set forth in sections 23-2501 to 23-2516. The commission may provide for a civil service personnel director if his services shall be needed, who shall be under the direction and jurisdiction of the commission.

Sec. 4. That section 23-2506, Revised Statutes Supplement, 1972, be amended to read as follows:

23-2506. The commission shall hold regular meetings at least once every three months, and shall designate the time and place thereof by notice posted in the courthouse at least seven days prior to the meeting. The commission shall adopt rules of procedure and shall keep a record of its proceedings. The commission shall also make provision for special meetings and all meetings and records of the commission shall be open to the public except as otherwise provided in sections 23-2501 to 23-2516. The commission shall elect one of its members as chairman for a period of one year or until his successor has been duly elected and qualified. The chairman shall preside over each meeting and shall select a member to serve as chairman in his absence. Five members present shall constitute a quorum of the commission, three of which shall be county employees. No meeting shall be official unless a quorum is present."

3. Renumber section 2 as section 5.

4. On page 2 after renumbered section 5, insert a new section 6 to read as follows:

"Sec. 6. That section 23-2510, Revised Statutes Supplement, 1972, be amended to read as follows:

~~23-2510. Any employee may be discharged, suspended, or demoted.~~ The discharge, suspension, or demotion in rank or compensation of any employee by his department head shall be initiated by a written order which shall specifically state the reasons therefor. Such order shall be filed with the commission and a copy of such order shall be served upon the employee personally or by leaving it at his usual place of residence. Any employee so affected may, within ten days after service of the order, appeal such order to the commission. Notice of such appeal shall be in writing, signed by the employee appealing, and delivered to any member of the commission. The delivery of the notice of appeal shall be sufficient to perfect an appeal and no other act shall be deemed necessary to confer jurisdiction of the commission over the appeal. In the event any employee is discharged, suspended or demoted prior to the formation of the commission, such employee may appeal the order to the commission within ten days after the formation of the commission in the manner provided in this section."

5. On page 2, line 14 strike "and" and insert ", 23-2504, 23-2505, 23-2506"; line 15 after "23-2509," insert "and 23-2510,".

6. Renumber original sections 3 and 4 as sections 7 and 8 respectively.

LEGISLATIVE BILL 646. Placed on General File as amended. Standing Committee amendments to LB 646:

1. On page 2, line 5 after "more" insert "which elected a clerk of the district court in 1970"; strike lines 8 and 9 and insert "and in each county having a population of less than seven thousand inhabitants all other counties, the county clerk shall be ex"; on line 15, strike "any" and insert "any the", and after "election" insert "in 1976 or every four years thereafter"; in line 16, strike "ten" and insert "ten-fifteen", and strike "electors of" and insert "electors of total vote for Governor in the last general election in"; on line 27 strike the second comma and show as stricken matter.

2. On page 3, line 3, strike "either (a)" and show as stricken; strike beginning with "or" on line 4 through "time" on line 5 and show as stricken matter; and on line 11 strike "(a)" and show as stricken matter, and strike "or (b)" and show as stricken matter, and insert "and".

3. Insert a new section to read as follows:

"Sec. 2. Notwithstanding the provisions of section 23-1114, the salaries of clerks of the district court in counties of six thousand inhabitants or more who are to be elected at the general election in 1974 pursuant to the provisions of this act shall be fixed by the county board on or before March 8, 1974."

4. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

LEGISLATIVE BILL 678. Placed on General File as amended. Standing Committee amendments to LB 678:

1. On page 2 insert a new section 1 to read as follows:

"Section 1. That section 15-310, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-310. The mayor shall be the chief executive officer of the city. The executive and administrative power of a city of the primary class shall be vested in and exercised by the mayor, who shall also be the ceremonial head of the city government. No mayor of a city of the primary class shall be elected to more than two consecutive terms. The mayor shall enforce the city ordinances and all applicable laws. He may administer oaths, perform all the duties devolving upon a magistrate, and shall sign commissions and appointments of all officers appointed by him with the council approval."

2. Renumber original sections 1 to 3 as sections 2 to 4.

3. On page 2, line 20, strike "section" and insert "sections 15-310 and".

LEGISLATIVE BILL 771. Placed on General File as amended.
Standing Committee amendments to LB 771:

1. On page 2, line 21 after "board" insert "; Provided, that if such interest is received on a fund which shall not have been commingled with any other fund for investment purposes, then any interest received shall be credited to the fund from which the investment shall have been made. It shall be in the discretion of the county board whether any fund shall be commingled or invested from an indentifiable account"; and strike the new material in lines 21 to 27.

2. On page 3, strike lines 1 to 6; and after line 8 insert a new section 3 to read as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

(Signed) Ernest Chambers, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 818. Placed on General File as amended.

(Standing Committee amendments printed and on file in the Clerk's office.)

LEGISLATIVE BILL 868. Placed on General File as amended.
Standing Committee amendment to LB 868:

1. On page 2, line 9 strike "thirty-five" and insert "twenty-nine", after "thousand" insert "five hundred"; in line 11 strike "thirty-five" and insert "twenty-nine", after "thousand" insert "five hundred", and strike "and"; in line 13 strike "twenty-five" and insert "twenty-nine", after "thousand" insert "five hundred", and after "dollars" insert "; (4) the Director-State Engineer for the Department of Roads twenty-nine thousand five hundred dollars; and (5) the Tax Commissioner for the Department of Revenue, twenty-nine thousand five hundred dollars".

LEGISLATIVE BILL 956. Placed on General File as amended.
Standing Committee amendment to LB 956:

1. On page 3, line 3 after "used" insert ". Schedules provided under this contract shall be coordinated with the state aircraft pool and reservations for the use of such flights shall be made through the state aircraft pool to insure the most efficient utilization of state-owned aircraft and contract flights".

(Signed) J. James Waldron, Chairman

Public Health and Welfare

LEGISLATIVE BILL 773. Indefinitely postponed.

LEGISLATIVE BILL 866. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

Public Works

LEGISLATIVE BILL 955. Indefinitely postponed.

LEGISLATIVE BILL 805. Placed on General File as amended.

Standing Committee amendments to LB 805:

1. On page 3, line 21 after "request" insert "for a building permit", after the period insert "The officer responsible for issuance of building permits shall not issue a permit for a period of sixty days from the date of mailing notice of the filing of the request with the department, unless the department waives in writing the time period. In the event that the department commences condemnation proceedings within the sixty-day period, then the officer shall not issue a permit, but if no condemnation proceeding is commenced, then the building permit shall be issued at the end of the sixty-day period provided that it meets all other applicable codes, ordinances, and laws."; in line 21 strike "within thirty days after"; strike lines 22 to 26.

2. On page 4 strike lines 1 to 19.

3. Renumber original section 7 to 9 as sections 5 to 7 respectively.

(Signed) Maurice A. Kremer, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 592 and 806.

Correctly Enrolled

The following bills were correctly enrolled: 17, 490 and 699.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 17, 490 and 699.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 888A. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; C. Carsten, 2nd District; Epke, 24th District; Kennedy, 21st District; Dickinson, 31st District; Kime, 43rd District; Rasmussen, 41st District.

A BILL FOR AN ACT to appropriate forty thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Agriculture, Agency No. 18 for Program 383, Research Egg Market News, to aid in carrying out the provisions of Legislative Bill 888, Eighty-third Legislature, Second Session, 1974.

NOTICE OF COMMITTEE HEARINGS**Miscellaneous Subjects**

LB 1021	Friday, February 15, 1974	1:00 p.m.
LB 1022	Friday, February 15, 1974	1:00 p.m.

(Signed) J. James Waldron, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Kime asked unanimous consent to be excused until Tuesday, February 12, 1974. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the motion to indefinitely postpone LB 434.

(Signed) Richard Maresh

REFERENCE COMMITTEE REPORT

LB	Committee
1028	Judiciary
1029	Agriculture and Environment

(Signed) Terry Carpenter, Chairman

ANNOUNCEMENT

Mr. Marvel announced an executive session of the Appropriations Committee on Monday, February 11, 1974 at 9:00 a.m.

VISITORS

President Marsh introduced Mr. Mideda Kikulanda, escorted by Geo. Bean, Secretary for Training of the National Party and Kinshasa Zaire, formerly of the Belgian Congo.

ADJOURNMENT

At 11:56 a.m., on a motion by Mr. Marvel, the Legislature adjourned until 10:00 a.m., Monday, February 11, 1974.

Vincent D. Brown
Clerk of the Legislature

TWENTY-SIXTH DAY—FEBRUARY 11, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 11, 1974

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

Hear, O God, the earnest prayers of the senators gathered for this sacred moment of prayer, and deepen our feelings of unity and fellowship as we pray with them and for them. Give us wisdom to see that no good life comes without right discipline. Give us the grace to impose it upon ourselves, lest others do it for us. Help us to discipline our speech, that we may seek clarity rather than cleverness and sincerity instead of sarcasm. Help us to discipline our thinking and our actions, that in this place the world may see democracy at its best and us at our best for democracy and for Thee to use us. In the name of Christ, Thy Son. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Waldron who was excused, Mr. F. Carstens who was excused until 11:00 a.m. and Messrs. Warner, DeCamp and Stromer who were excused until they arrived.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-fifth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 137
February 8, 1974

Dear Senator Kelly:

L. B. 661 would amend Section 5-104.07 which defines the present legislative districts, by removing Grand Island's Precinct No. 15 from District No. 36 with the result that the City of Grand Island in its entirety would comprise District No. 35. You have sought our opinion concerning the legality of the proposed redistricting in light of the United States Supreme Court's opinion of Virginia's latest plan in Mahan v. Howell, which held that as a matter of federal constitutional law, state legislative redistricting was not to be judged by the same stringent standards as are applicable to congressional reapportionment, and which held further that a state's tradition of maintaining the integrity of political subdivision lines is a rational one so long as the state "has not sacrificed substantial equality to justifiable deviations." Returning Precinct No. 15 to Grand Island so that the political subdivision may be assured representation as a political entity is therefore a constitutional justification for some disparity from the one-man, one-vote rule. How great a disparity would be countenanced for the proposed districting cannot be safely predicted.

The maximum deviation from the norm of equality must be within "tolerable limits," according to Mahan for "a State's policy urged in justification of disparity in district population, however rational, cannot constitutionally be permitted to emasculate the goal of substantial equality." Approved in Mahan was a maximum deviation from the ideal of 16.4 percent.

The Legislative Council has supplied to us the data that using the 1970 census total of 1,483,791 as the population base the numerical ideal for a 49-member Legislature is 30,233 with 29,950 as the lowest populated district. The district created by L.B. 661 according to 1970 figures is 32,358. Since 1970 Grand Island has annexed some additional territory whose population does not appear in the 1970 census figures for the city but which would be included in the proposed District No. 35. We understand that population figures for redistricting purposes will be prepared which will make estimations of the maximum deviation possible. Because each redistricting case stands or falls on its own facts, even if the maximum deviation is less than the 16.4 percent of Virginia, there would be no assurance that the plan would pass muster. But it appears that, at least, more than a de minimis deviation from the norm would not be prima facie unlawful, according to the latest United States Supreme Court decision on state legislative districts, Gaffrey v. Cummings. Although the issue was not directly before them, the court stated that "[d]eviations from perfect population equality in [state legislative] districts" do not "make out prima facie equal protection violations and require that the contested reapportionments be stricken down absent adequate state justification," which signals a change in rule from the 1967 cases which required state justifications of population variations.

Yours verly truly,
CLARENCE A. H. MEYER
Attorney General

(Signed) Betsy G. Berger
Assistant Attorney General

BGB:ct

cc: Vincent D. Brown

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 652 and 762.

Correctly Enrolled

The following bills were correctly enrolled: 655, 680, 986 and 987.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 655, 680, 986 and 987.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 11, 1974, at 8:30 a.m. were the following: LB 490 and LB 699.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—LB 513 on Final Reading

Mr. Goodrich asked unanimous consent to hold LB 513 on Final Reading. No objections. So ordered.

MOTION—Refer LR 116 to Committee

Mr. Snyder moved to refer LR 116 to the Committee on Urban Affairs for a public hearing. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

MOTIONS—Introduce Bills

Mr. Anderson moved the introduction of a new bill by the Committee on Constitutional Revision and Recreation. (Req. No. 1572) The motion prevailed with 30 ayes, 2 nays and 17 not voting.

Mr. Anderson moved the introduction of a new bill by the Committee on Constitutional Revision and Recreation. (Req. No. 1573) The motion prevailed with 34 ayes, 0 nays and 15 not voting.

Mr. Carpenter moved the introduction of a new bill by the Committee on Miscellaneous Subjects. (Req. No. 1590) The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Cavanaugh moved the introduction of a new bill by the Committee on Miscellaneous Subjects. (Req. No. 1571) The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1030. By Constitutional Revision and Recreation Committee: Anderson, 37th District; Keyes, 3rd District; Kelly, 35th District; Snyder, 14th District; F. Carstens, 30th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, section 4, of the Constitution of Nebraska, relating to the Supreme Court; to provide residence requirements for members of the Supreme Court; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 1031. By Constitutional Revision and Recreation Committee: Anderson, 37th District; Keyes, 3rd District; Kelly, 35th District; Snyder, 14th District; F. Carstens, 30th District; Burbach, 19th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, section 5, of the Constitution of Nebraska, relating to the Supreme Court; to provide for redistricting; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974, to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 1032. By Miscellaneous Subjects Committee: Cavanaugh, 9th District, Vice-chairman; Carpenter, 48th District; F. Lewis, 45th District; Murphy, 17th District; Luedtke, 28th District; Mahoney, 5th District.

A BILL FOR AN ACT to amend section 75-303, Revised Statutes Supplement, 1973, relating to the Public Service Commission; to provide

exceptions from exemptions from commission jurisdiction of common carriers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1033. By Miscellaneous Subjects Committee: Cavanaugh, 9th District, Vice-chairman; F. Lewis, 45th District; Carpenter, 48th District; Mahoney, 5th District; Skarda, 7th District.

A BILL FOR AN ACT to amend section 5-109, Revised Statutes Supplement, 1972, and sections 24-803 and 24-806, Revised Statutes Supplement, 1973, relating to apportionment; to provide for Supreme Court judicial districts; to provide for judicial nominating commissions; to provide for representation; and to repeal the original sections.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 730. Replaced on Select File as amended.
E & R amendment to LB 730:

1. On page 6, line 21, reinstate "and".

LEGISLATIVE BILL 77A. Replaced on Select File as amended.
E & R amendment to LB 77A:

1. In the title, line 4, strike "1973" and insert "1974"; and in line 5 strike "1974" and insert "1975".

LEGISLATIVE BILL 17A. Replaced on Select File as amended.
E & R amendment to 17A:

1. In the title, line 2, strike "fifty-three" and insert "sixty-five"; in line 3 insert "nine hundred eighty-seven" after "thousand"; in line 4 strike "1973" and insert "1974"; and in line 5 strike "1974" and insert "1975".

LEGISLATIVE BILL 684. Placed on Select File as amended.
E & R amendments to LB 684:

1. On page 2, line 5, strike ", or" and insert "or,"; in line 7 strike "and as"; in line 8 strike "then"; and in line 10 insert "under section 1 of this act" after "court".

2. In the title, line 4, strike "for penalty" and strike line 5 and insert "penalties."

LEGISLATIVE BILL 772. Placed on Select File as amended.
E & R amendments to LB 772:

1. Strike the committee amendments to page 3, line 17 and page 4, line 16.

2. Because of the F. Lewis amendment, on page 4, strike line 15 as amended and insert "provisions of this act.".

3. On page 4, line 19, strike "called" and insert "known as".

4. In committee amendment 3, line 1, insert "strike" after the second comma.

5. On page 5, line 8, strike "14" and insert "13".

6. In committee amendment 4, line 7, strike the semicolon and insert ", and"; and in line 8 insert "pupil" after "each".

7. On page 7, line 6, strike "section 25 of"; and in line 7 insert an underscored comma after "section".

8. In the Warner amendment 3, line 1, strike the first "after" and strike the third and sixth commas; in line 3, strike "If" and insert ", but if"; in line 3 insert "so" after "amount"; in line 4 strike "given percentage reimbursements stated" and insert "percentage reimbursement provided in subsection (1) of this section"; and in line 7 strike the period.

9. Renumber original sections 12 to 20 as sections 11 to 19.

10. On page 12, line 16, strike "This provision" and insert "Such prohibition".

11. On page 13, line 9, strike "This" and insert "The" and after "aid" insert "provided for by subsection (1) of this section"; and in line 23 strike "The" and insert "In establishing such rules and regulations, the".

12. On page 15, line 22, strike "16" and insert "15".

13. On page 16, lines 14 and 25, strike "16 and 17" and insert "15 and 16".

14. On page 17, line 2, strike "20 and 23 to 25" and insert "19, 21, and 22".

15. Because of committee amendment 13, strike section 21 and renumber original sections 22 to 24 as sections 20 to 22.

16. On page 23, line 2, insert an underscored comma after "named"; and in line 11 strike "18" and insert "17".

17. On page 23, renumber original sections 26 and 27 as sections 23 and 24.

18. On page 24, line 2, strike "and section"; strike line 3 and insert "is"; and renumber original section 28 as section 25.

19. In the title, strike beginning with the second comma in line 4 through "rates" in line 7; in line

14 insert "and" after the semicolon; and strike lines 15 and 16 and insert "repeal the original section."

LEGISLATIVE BILL 827. Placed on Select File as amended.
E & R amendments to LB 827:

1. In lieu of the Cavanaugh amendment,
insert a new section to read:

"Sec. 2. Commencing January 1, 1976, no person shall sell any bicycle which does not comply with section 1 of this act. Any person who violates this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars."

2. In the title, line 3, strike "and"; and
in line 5 insert "; and to provide a penalty" after "side".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS **Government, Military and Veterans Affairs**

LEGISLATIVE BILL 796. Placed on General File as amended.
Standing Committee amendments to LB 796:

1. On page 6, line 2, strike "may" and insert "~~may~~ shall".
2. On page 6, lines 3 and 4 strike all the matter beginning with the word "by" and ending with the word "or" and show same as stricken matter.

(Signed) Ernest Chambers, Chairman

SELECT FILE

LEGISLATIVE BILL 613. E & R amendment found in the Journal on page 552 for the Twenty-fifth day was adopted.

Laid over at the request of Mr. Cavanaugh.

LEGISLATIVE BILL 729. E & R amendments found in the Journal on page 552 for the Twenty-fifth day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 608. E & R amendments found in the Journal on page 552 for the Twenty-fifth day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 639. E & R amendment found in the Journal on page 552 for the Twenty-fifth day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 715. E & R amendments found in the Journal on page 533 for the Twenty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 600. Mr. Carpenter offered the following amendment:

Sec. 1. The provisions of the bill apply to the State of Nebraska, all political subdivisions of the state and to all meetings both public and executive sessions and in the case of the legislature the presiding officer shall order the deduction of \$10.00 for each duly noted offense from the pay of any member, officer or employee of the legislature.

Sec. 2. Add severability clause.

Amendment pending. Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 778. E & R amendments found in the Journal on page 553 for the Twenty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 658. E & R amendments found in the Journal on page 553 for the Twenty-fifth Day were adopted.

Bracketed indefinitely on Select File at the request of Mr. Moylan.

LEGISLATIVE BILL 664. E & R amendments found in the Journal on page 553 for the Twenty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 666. E & R amendments found in the Journal on page 554 for the Twenty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 683. E & R amendments found in the Journal on page 554 for the Twenty-fifth Day were adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 721. Placed on General File.

LEGISLATIVE BILL 784. Placed on General File.

LEGISLATIVE BILL 848. Placed on General File as amended.

Standing Committee amendments to LB 848:

1. Insert a new section to be known as section 1 and to read as follows:

"Section 1. That section 44-113, Revised Statutes Supplement, 1972, be amended to read as follows:

44-113. The Department of Insurance shall transmit to the Governor, ten days prior to the opening of each session of the Legislature, a report of its official transactions, containing in a condensed form the statements made to the department by every insurance company authorized to do business in this state pursuant to the provisions of this chapter, as audited and corrected by it, arranged in tabular form or in abstracts, in classes according to the kind of insurance, which report shall also contain (1) a statement of all insurance companies authorized to do business in this state during the year ending December 31 next preceding, with their names, locations, amounts of capital, dates of incorporation, and of the commencement of business and kinds of insurance in which they are engaged respectively; and (2) a statement of the insurance companies whose business has been closed since making the last report, and the reasons for closing the same, with the amount of their assets and liabilities, so far as the same are known or can be ascertained by the department. In addition to ~~one hundred fifty~~ fifty-five copies of the insurance report for the use of the Legislature, there shall be printed and bound by the state the necessary number of copies thereof for the use of the department. The department may also compile, and have printed by the state, all books and insurance laws in pamphlet form, for distribution."

2. Renumber sections 1 to 5 as sections 3 to 6 respectively.

3. On page 2, line 10 after the comma insert "if a stock company,", line 13 before "for" insert ", if such stock is publicly traded,", line 15 after the comma insert ", if a stock company,", line 21 after the period insert "If the acquiring corporation is not a stock company, the plan of exchange may provide that, as consideration for the stock of the domestic corporation, the acquiring company may pay cash therefor or pay or provide other consideration as alternative consideration.", and line 25 after "company" insert ", if a stock company,".

4. On page 5, line 19 insert ", if a stock company," after "corporation". and on line 26 insert "if a stock company," after the comma.

LEGISLATIVE BILL 919. Placed on General File as amended.
Standing Committee amendment to LB 919:

1. On page 2, line 15 after "dollars" insert ". No".

LEGISLATIVE BILL 926. Placed on General File.

(Signed) F. Carstens, Chairman

UNANIMOUS CONSENT—Change of Hearing Rooms

Mr. Kennedy asked unanimous consent to use the West Chamber today, February 11 and possibly tomorrow, February 12 for Committee on Public Health and Welfare public hearings. No objections. So ordered.

Mr. Maresh asked unanimous consent to use the West Chamber on Wednesday, February 13 for Committee on Labor public hearings. No objections. So ordered.

MOTION—Place LB 127 on General File

Mr. Carpenter renewed his pending motion found in the Journal on page 505 for the Twenty-second Day to place LB 127 on General File notwithstanding the Committee action. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
1030	Cons. Rev. & Rec.	1032	Misc. Subjects
1031	Cons. Rev. & Rec.	1033	Cons. Rev. & Rec.

(Signed) Terry Carpenter, Chairman

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 790. Placed on General File as amended.
Standing Committee amendments to LB 790:

1. On page 2, line 11 after "~~23-174.05~~" insert "2"; in lines 6 to 11 reinstate the stricken matter and strike the new matter; after line 11 insert the following:
~~"(2) Council of governments shall mean a voluntary";~~ in line 21 strike "Region" and insert "Regional"; in line 22 reinstate the stricken matter; in line 23 reinstate "~~Cooperation Act or the~~"; in line 25 after "governments" insert "and may include a regional planning body as defined in section 81-1212"; and renumber original subdivisions (2) to (8) as subdivisions (3) to (9) respectively.
2. On page 4 in line 1 strike the "."; in lines 1 and 2 reinstate the stricken matter; in line 3 after "~~district~~" insert "regional"; and reinstate "~~governmental units through a planning body.~~"
3. On page 5, line 6 after "(1)" insert "There is a regional planning body as defined in section 81-1212"; in line 9 strike the new matter and insert the following:

"(2) The region contains a council of"; in line 21 reinstate "(2)" and strike "(2)".

4. On page 9, after line 18 insert "If a regional planning body in a planning and development region that is a Standard Metropolitan Statistical Area and has an adequate staff to provide professional planning and development services, the state is authorized to provide grants to such body upon request."

5. On page 11, line 19 after "conditions." insert:

"The Governor shall also evaluate the effectiveness of a regional planning body in a region that is a Standard Metropolitan Statistical Area."

(Signed) John J. Cavanaugh, Vice-chairman

Public Works

LEGISLATIVE BILL 656. Placed on General File as amended. Standing Committee amendments to LB 656:

1. On page 2, line 17 after "nonprofit" insert "electric"; in line 22 after "facilities" insert "located in Nebraska which are"; in line 24 after "means" insert ", jointly and with each other," and after "corporations" insert a "comma"; in line 25 before "political" strike "and"; and strike "of other states"; after "subdivisions" insert a "comma"; in line 26 after "cooperatives" insert "and other utility corporations of other states"; and in line 27 after "electricity" insert "in plants and facilities outside of Nebraska".

2. On page 3, line 6 after "district" insert a "comma" and strike "of this state, and"; in line 7 strike "nonprofit" and after "cooperative" insert ", or electric membership corporation of this state"; in line 24 strike "and"; after "district" insert a "comma"; strike "of this"; in line 25 strike "state and nonprofit", and after "cooperative" insert ", or electric membership corporations of this state".

3. On page 4, line 1 after "village" strike "or"; in line 2 after "district" insert ", cooperative, or electric membership corporation"; and strike "and nonprofit cooperative"; in line 7 strike "or district of this"; in line 8 strike "state or nonprofit"; and after "cooperative" insert ", or electric membership corporation of this state"; in line 17 after "district," insert "electric membership corporation,"; in line 18 strike "nonprofit"; in line 21 after "bonds" insert "or other debt securities"; in line 24 after "thereto" insert "or its ownership interest in such facilities, including but not limited to, notes and mortgages,"; and strike "or both,"; in line 26 after "bonds" insert "or other debt securities".

4. On page 5, line 1 after "bond" insert "or other debt securities"; in line 4 after "district," insert "cooperatives, or electric membership corporations"; in line 10 strike "all money"; strike lines 11 to 14; in line 17 strike "or nonprofit"; and after "cooperative" insert ", or electric membership corporation"; in line 18 after "of" insert "generating and related"; and strike "the common"; in line 22 strike "or nonprofit" and after "cooperative" insert ", or electric membership corporation"; after line 22 insert a new section as follows:

"Sec. 6. That section 70-626.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-626.05. When a power agency has requested wheeling service under sections 70-626.01 to 70-626.03, the parties shall develop a contract for such wheeling service. Any provisions of the contract which cannot be resolved by the parties regarding the reasonableness of the charges for wheeling service or the availability of transmission line capacity for wheeling service shall then be the subject of a dispute an application filed with the board for settlement of such dispute.

Upon receipt of such application the board shall issue notice and hold a hearing in the same manner as provided for in section 70-1013. After hearing, the board shall, within forty-five days, enter an order in settlement of such dispute which shall be binding upon the parties. Any final order of the board may be appealed by any party in the same manner as provided for in section 70-1016.

~~The provisions of this section shall not include the matter of rates to be paid for such wheeling service in the contract."~~

5. On page 6 after line 2 insert a new section as follows:

"Sec. 8. That section 23-2205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2 23-2205. In the event that an agreement made pursuant to sections
3 23-2201 to 23-2207 shall deal in whole or in part with the provision of
4 services or facilities with regard to which an officer or agency of the
5 state government has constitutional or statutory powers of control, the
6 agreement shall, as a condition precedent to its entry into force, be sub-
7 mitted to the state officer or agency having such power of control and
8 shall be approved or disapproved by him or it as to all matters within his
9 or its jurisdiction. ~~Provided, no agreement under section 23-2201 to~~
10 ~~23-2207 shall provide for generation, transmission or distribution of~~
11 ~~electricity."~~

6. On page 6 after line 7 insert:

"Sec. 10. That sections 23-2205 and 70-626.05, Reissue Revised
2 Statutes of Nebraska, 1943, are repealed."

7. Renumber original sections 6 and 7 as sections 7 and 9 respectively.

LEGISLATIVE BILL 757. Placed on General File as amended. Standing Committee amendments to LB 757:

1. On page 2, line 9 after "system" insert "a civil defense warning system"; in line 17 reinstate "and"; in line 18 strike ", and to" and insert "; Provided, that sanitary and improvement districts located in any county which has a city of the metropolitan or primary class within its boundaries or any county which has adopted a comprehensive plan may".

2. On page 3, line 25 after "or" insert ", where permitted by this section,".

3. On page 5, line 19 after "and" insert ", where permitted by this section,".

4. On page 8, line 3 after "and" insert ", where permitted by the provisions of section 1 of this act,".

5. On page 9, line 6 after "and" insert ", where permitted by the provisions of section 1 of this act,".

6. On page 10, line 5 after "or" insert ", where permitted by the provisions of section 1 of this act,".

7. On page 12, line 13 after "and" insert ", where permitted".

by the provisions of section 1 of this act,".

8. On page 13, line 1 after "district" insert "as permitted by the provisions of section 1 of this act"; in line 27 after "corporation" insert ", public power district, electric membership or cooperative association,".

9. On page 14, line 9 after "district" insert ", as permitted by the provisions of section 1 of this act,"; in line 12 strike "districts" and insert "parties".

10. On page 18, in lines 1 and 22 after "contract" insert ", as permitted by the provisions of section 1 of this act,".

11. On page 19, in lines 8 and 20 after "contract" insert ", as permitted by the provisions of section 1 of this act,".

12. On page 21, line 1 after "contracting" insert ", as permitted by the provisions of sections 1 of this act,"; in line 26 after "or" insert ", as permitted by the provisions of section 1 of this act,".

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 640. Considered.

Advanced to E & R for Review with 28 ayes, 1 nay and 20 not voting.

LEGISLATIVE BILL 293. Considered.

Mr. Goodrich renewed his pending amendments found in the Journal on page 512 for the Twenty-second Day.

Mr. Chambers offered the following amendment to the Goodrich amendments:

In Sec. 3 of the Goodrich amendment, strike "actual notice" and insert "written notice".

The Chambers amendment lost with 9 ayes, 15 nays and 25 not voting.

The Goodrich amendments were adopted with 21 ayes, 2 nays and 26 not voting.

Laid over.

UNANIMOUS CONSENT—Bracket LB 851

Mr. DeCamp asked unanimous consent to bracket LB 851 indefinitely on General File. No objections. So ordered.

VISITORS

President Marsh introduced former Senator Ken Diers from Gresham, Nebraska; National Congressman Wilson Craviotto from Montevideo, Uruguay; Jon Gandarias from Washington, D. C. and Manuel Valverde from Lincoln, Nebraska.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Rasmussen, the Legislature adjourned until 9:00 a.m., Tuesday, February 12, 1974.

Vincent D. Brown
Clerk of the Legislature

TWENTY-SEVENTH DAY—FEBRUARY 12, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 12, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The Chaplain offered a prayer in tribute to Abraham Lincoln.

ROLL CALL

The roll was called and all members were present except members of the Committee on Committees who were excused for ten minutes and Mr. Waldron who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-sixth Day was approved.

MESSAGES FROM THE GOVERNOR

February 11, 1974

Mr. Vince Brown
Clerk of the Legislature
State of Nebraska
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 359, and 599.
These bills were signed by me on February 9, 1974 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Print in Journal

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 870 in the Journal. No objections. So ordered.

1. On page 2, line 7, strike "single phase"; and in line 17, strike "single phase".

2. At the end of section 2, page 3, add the following:

"(8) No provision within this section or within this act shall be so construed as to require that any electrician, installer, or inspector be a member of a labor union in order to be licensed."

3. At the end of section 3, page 4, add the following:

"It shall be the duty of the State Electrical Division to provide training sessions for electricians licensed pursuant to this Act. Such training sessions, licensing examinations, and licensing shall be held twice each year in Norfolk, Lincoln, Kearney, North Platte, Alliance, and Omaha and such other additional locations as the Division deems necessary. The purpose of the training sessions shall be to review electrical theory, current rules, regulations, codes and laws pertaining to electricians and other subjects deemed necessary by the Division. The Electrical Division Fund shall be utilized in carrying out the purposes of the section."

4. On page 7, line 10, strike "single phase".

5. On page 8, line 7, strike "single phase".

6. On page 10, line 18, strike "fifty" and insert "twenty-five"; and in line 19, strike "forty" and insert "fifteen".

7. At the end of section 15, page 13, add the following:

"(7) No provision within this act shall be so construed as to require that the repair of electrical equipment for use on the farm or in the home in cities with populations less than 2,500, requires the services of a licensed electrician."

8. On page 17, line 20, after "supplier" insert "of electrical service"; and on line 23 after "supplier" insert "of electrical service".

9. On page 21, line 15, after "supplier" insert "of electrical service".

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 697. Placed on Select File as amended.

E & R amendments to LB 697:

1. On page 4, line 3, strike the semicolon and insert a comma.

2. On page 11, line 12, strike "Division" and insert "Department"; and insert a period after "particular" in line 15 and strike the rest of the sentence.

(Signed) John J. Cavanaugh, Chairman

ATTORNEY GENERAL'S OPINIONS

Opinion No. 138
February 11, 1974

Dear Senator Anderson:

You ask if the Legislature has authority to make the "owner" of a car rather than the "driver" of a car which passes a stopped school bus responsible for the violation.

Section 2 of L. B. 863 makes the driver responsible. The penalty for violating this statute, if passed, is a \$25.00 fine or imprisonment in the county jail for ten days or both.

The basic question seems to be, can an owner of a car be held criminally responsible for the acts of the driver of a car when the driver is not the owner. Generally the answer is no. Of course, if the driver and owner are one and the same he is responsible. If the owner is in the car and has control over the driver, such as a chauffeur, then a statute imposing responsibility on the owner would probably stand up constitutionally. However, if the car was stolen from the owner it surely could not be seriously suggested that the owner is responsible for the criminal acts of the thief. The same would most likely be true if the driver came by the car legally such as a borrower or a child driving a car owned by his parents. To make parents criminally responsible for a child's criminal act with the family flyer would probably bring an early end to the gas shortage.

However, our nation has never adopted the theory behind the ancient code of Hammurabi which made the guilt of one the guilt of an entire family as well.

In 7 Am. Jur. 2d, Automobiles and Highway Traffic, Sec. 276, p. 824, it provides:

"The owner or person in control of a motor vehicle may be criminally liable for a homicide committed in operating the vehicle, not only when he is operating it personally, but also when he procures or permits the vehicle to be driven by another person who is in the vehicle with him. Such liability arises where the owner or person in control of a motor vehicle puts it in the immediate control of a careless and reckless driver, sits by his side, and permits him, without protest, to so recklessly and negligently operate the vehicle as to cause the death of another. Likewise, where the owner of a motor vehicle knowingly turns over the control of it to an intoxicated driver, sits by his side, and permits him to operate the vehicle notwithstanding his intoxication, the owner invites the consequences of the penalty for manslaughter, or even murder, where a death is caused by the reckless driving of such person. It has been held, however, that the owner of a motor vehicle who voluntarily loans his vehicle to another, knowing that the latter is intoxicated, may not be convicted of manslaughter

where the latter kills another in the course of operation of such vehicle, where the owner is not present in the vehicle at the time of the killing."

Also, 61 C.J.S., Motor Vehicles, Sec. 590, provides similar language about the criminal responsibility of an owner for the acts of a driver who is not controlled by the owner.

In *People v. Marshall*, 362 Mich. 170, 106 N. W. 2d 842 (1961), Marshall was convicted of involuntary manslaughter. He had given the keys to his car to a Mr. McClary who was intoxicated at the time. Later, McClary was going the wrong way on an expressway and crashed head-on with a car being driven by a Mr. Coldiron. McClary and Coldiron were both killed. Marshall was convicted of the involuntary manslaughter of Coldiron. At the time of the fatal accident, 3:00 a.m., Marshall was at his home and in bed. In setting aside the conviction the Supreme Court of Michigan held:

"The principal issue in the case is whether, upon these facts, the defendant may be found guilty of involuntary manslaughter. It is axiomatic that 'criminal guilt under our law is personal fault.' As Sayre puts the doctrine 'it is of the very essence of our deep-rooted notions of criminal liability that guilt be personal and individual.' * * *.

"* * *. If defendant Marshall had been by McClary's side an entirely different case would be presented, but on the facts before us Marshall, as we noted, was at home in bed. * * *. The accountability of the owner must rest as a matter of general principle, upon his complicity in such misconduct. In turning his keys over, he was guilty of a specific offense, for which he incurred a specific penalty. Upon these facts he cannot be held a principal with respect to the fatal accident: the killing of Coldiron was not counselled by him, accomplished by another acting jointly with him, nor did it occur in the attempted achievement of some common enterprise."

No Nebraska cases were found which dealt with the owner's responsibility for the criminal acts of the driver where the owner was neither present in the car or had any control of the driver or authorized or ordered the criminal acts.

In conclusion, we are of the opinion that if L. B. 863 were amended to make the owner criminally responsible for the criminal acts of the driver the law would most likely be held unconstitutional.

Very truly yours,
CLARENCE A. H. MEYER
Attorney General

(Signed) James J. Duggan
Assistant Attorney General

JJD:ejg
cc: Mr. Vincent D. Brown

Opinion No. 139
February 11, 1974

Dear Senator Syas:

Section 14-1821 of the Nebraska statutes provides a special mill levy for the operation of metropolitan transit authority systems. You have requested our opinion as to whether, in addition to this tax, the city council might use general funds "and other revenue that comes into the city" for the operation of the transit system. We believe not.

It is a well established rule of construction that when the Legislature prescribes a certain method for a governmental subdivision to accomplish some given purpose, the method so prescribed is to the exclusion of other methods. *Interstate Power Co. v. City of Ainsworth*, 125 Neb. 419. Applying that principle to the matter at hand, it seems to us that where the Legislature has expressly provided for a special mill levy to aid in the financing of a transit system, that is the exclusive source of tax revenue for such purpose. Accordingly, it is our opinion that it would not be proper to divert from the city general fund or any other tax generated fund for the operation of the transit system.

In your request letter of February 7, 1974, you mention that Legislative Bill 702 (which would raise the transit authority tax limitation from one mill to three mills) was withdrawn "and the contents" incorporated into Legislative Bill 875. We find nothing in L. B. 875 which would amend Section 14-1821 with respect to the transit authority mill levy. L. B. 875, however, does authorize any municipality to use up to twenty-five per cent of its Highway Allocation Fund receipts for mass transit purposes.

Very truly yours,
CLARENCE A. H. MEYER
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:ejg
cc Mr. Vincent D. Brown

Opinion No. 140
February 11, 1974

Dear Senator Nore:

You have asked if the so-called Murphy amendment to L.B. 592, Eighty-Third Legislature, Second Session, would deny the electorate of a Class III school district the privilege of write-in candidates and the right to nominate by petition. The same is hereinafter considered.

The so-called Murphy amendment to L.B. 592 was offered on January 24, 1974. It was amended, in turn, on February 1, 1974. Consequently as

of this date, subsection (4) of section 4 of L.B. 592 reads in part as follows:

"If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all so filed may be considered to be nominated and no primary election for their nomination shall be required."."

It seems clear that the above quoted amendment would not prohibit the nomination of candidates by petition who were properly and timely nominated. See, Neb. Rev. Stat. Sec. 32-504 (Supp. 1974). It also seems clear that the above quoted amendment would not prohibit the electorate from writing in the name of a person as a candidate for the board of education of a Class III school district and voting for such person at the statewide general election. Consequently both of your questions must be and are answered in the negative.

Very truly yours
CLARENCE A. H. MEYER
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:jc
cc: Mrs. Sandra L. Voboril
Mr. Vincent D. Brown

STANDING COMMITTEE REPORT **Agriculture and Environment**

LEGISLATIVE BILL 916. Indefinitely postponed.

LEGISLATIVE BILL 887. Placed on General File.

LEGISLATIVE BILL 934. Placed on General File as amended.

Standing Committee amendment to LB 934:

1. On page 2, line 15 strike "law pursuant to this section" and insert "this act"; and in lines 18 and 21 strike "section" and insert "act".

LEGISLATIVE BILL 935. Placed on General File.

(Signed) Loran Schmit, Chairman

NOTICE OF COMMITTEE MEETING **Agriculture and Environment**

LB 1029 Thursday, February 21, 1974

2:00 p.m.

(Signed) Loran Schmit, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 323.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VII, section 10, of the Constitution of Nebraska, relating to education; to provide for nonvoting student membership on the Board of Regents of the University of Nebraska; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of

Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“Constitutional amendment to provide for nonvoting student membership on the Board of Regents of the University of Nebraska.
For
Against”

Sec. 3, That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass?’ ”

Voting in the affirmative, 35:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Clark	DeCamp	Duis	Fellman
Fowler	Hasebroock	Kelly	Keyes	Kime
F. Lewis	R. Lewis	Luedtke	Marsh	Marvel
Murphy	Nore	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 10:

Burbach	Dickinson	Epke	Johnson	Kennedy
Kremer	Maresh	Moylan	Proud	Rasmussen

Not voting, 4:

Chambers	Goodrich	Mahoney	Waldron
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A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 513.

Mr. Goodrich moved to return LB 513 to Select File for the following specific amendment:

PROPOSED AMENDMENTS TO LEGISLATIVE BILL 513 (As Amended by the Public Health and Welfare Committee)

1. After “or” in line 11 on page 4 insert “medical”.
2. After “71” in line 9 on page 5 insert “, in which residence, office or

clinic patients are not treated or given care for a period in excess of twenty-four consecutive hours."

3. Strike the Kennedy specific amendment adopted on January 17, 1974.

4. Adopt a new section 3 to read as follows:

"Sec. 3. Nothing contained in sections 71-2017 to 71-2029 shall prohibit the licensee, as a convenience, from assisting a resident of a custodial foster home, boarding home for the aged, mental health center or center for the developmentally disabled in taking routine oral or external medications prescribed for the resident by a licensed physician and dispensed by a licensed pharmacist, or from providing storage and handling of such medication. This service shall be permitted only pursuant to regulations adopted by the Department of Health to insure proper storage, handling and disposal of controlled substances and all other drugs and must conform to all state and federal statutes, rules and regulations, and standards regarding the dispensing, prescribing, administration and storage of controlled substances and all other drugs."

5. Adopt a new section 4 to read as follows:

"Sec. 4. Whenever the terms home for the aged, home for the aged or infirm, or nursing home are mentioned in any statute, unless such statute specifically designates otherwise, they all shall be construed to refer exclusively to skilled nursing facilities and to intermediate care facilities one and two."

6. Renumber section 3 as section 5 and section 4 as section 6.

Motion pending.

Mr. Stahmer moved to bracket the bill until Thursday, February 14. The motion prevailed.

LEGISLATIVE BILL 598.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 10, of the Constitution of Nebraska, relating to the Legislature; to change the date and time when the Legislature shall meet in regular session; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all

members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment changing the date and time when the Legislature shall meet in regular session.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Barnett	Carpenter	F. Carstens	Cavanaugh	Chambers
DeCamp	Duis	Epke	Fellman	Goodrich
Hasebroock	Johnson	Kennedy	Keyes	Kime
F. Lewis	Luedtke	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Richendifer	Savage
Schmit	Simpson	Stahmer	Stromer	Syas
Warner	Wiltse			

Voting in the negative, 14:

Anderson	Burbach	C. Carsten	Dickinson	Fowler
Kremer	R. Lewis	Mahoney	Maresh	Rasmussen
Skarda	Snyder	Stull	Whitney	

Not voting, 3:

Clark	Kelly	Waldron
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A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 609. With emergency.

A BILL FOR AN ACT to amend section 19-615, Revised Statutes Supplement, 1972, relating to cities and villages, particular classes; to change the meeting frequency of the city council in cities of the first class; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebrook	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Skarda	Waldron
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 611. With emergency.

A BILL FOR AN ACT to amend section 60-407, Revised Statutes Supplement, 1973, relating to motor vehicle operators' licenses; to provide for the taking of the examination prior to the sixteenth birthday; to repeal the original section; and to declare an emergency.

Whereupon the President Stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebrook	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 1:

Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 626. With emergency.

A BILL FOR AN ACT to amend sections 8-440 and 8-822, Revised Statutes Supplement, 1973, relating to banks and banking; to clarify how delinquency charges shall be computed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson

Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 3:

Duis	Marvel	Schmit
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Not voting, 3:

F. Carstens	Proud	Waldron
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 653.

A BILL FOR AN ACT to amend sections 25-2502, 25-2504, and 25-2505, Revised Statutes Supplement, 1973, relating to acquiring private property; to define a term; to provide for hearings as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Anderson	Carpenter	C. Carsten	Cavanaugh	Chambers
Clark	DeCamp	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Moylan	Murphy	Nore	Proud
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 8:

Barnett	Burbach	Dickinson	Kelly	Kennedy
Keyes	Marvel	Rasmussen		

Not voting, 4:

F. Carstens	Mahoney	Richendifer	Waldron
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 703.

A BILL FOR AN ACT to amend section 14-408, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to increase the number of members of the board of appeals; to increase the terms of members of the board of appeals; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

F. Carstens Mahoney Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 704.

Mr. Stahmer moved to bracket LB 704 until February 20. The motion lost with 9 ayes, 26 nays and 14 not voting.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to designate property for the construction of a Historical Heritage Center.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Fellman	Fowler	Hasebroock	Johnson
Kelly	Keyes	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Marsh	Marvel	Murphy
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stromer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 7:

Burbach	Epke	Goodrich	Kennedy	Maresh
Moylan	Stahmer			

Not voting, 3:

Kime	Nore	Waldron
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 717.

A BILL FOR AN ACT to amend section 74-1305, Reissue Revised Statutes of Nebraska, 1943, relating to railroad transportation safety districts; to increase powers of the district; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Murphy
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stull
Syas	Whitney	Wiltse		

Voting in the negative, 1:

Warner

Not voting, 5:

Fowler Marvel Nore Stromer Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

President Marsh announced that James Price, son of Peggy Price, former Assistant Research Director for the Legislature passed away and the funeral will be this afternoon in Omaha.

MOTIONS—Introduce Bills

Mr. Duis moved the introduction of a new bill by the Rules Committee (Req. No. 1584).

Mr. Duis moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay and 25 not voting.

Mr. Duis moved the Call be raised. The motion prevailed with 26 ayes, 1 nay and 22 not voting.

The Duis motion to introduce the new bill prevailed with 34 ayes, 2 nays and 13 not voting.

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment (Req. No. 958). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1034. By Rules Committee: Duis, 39th District, Chairman; Stromer, 36th District; Warner, 25th District; Goodrich, 20th District; DeCamp, 40th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article IV, section 15, of the Constitution of Nebraska, relating to the Legislature; to eliminate provisions requiring that every order, resolution, or vote of the Legislature be presented to the Governor; to provide for the submission of the proposed amendment to the electors at the primary election in May, 1974; to provide for the manner of submission and form of ballot; to provide the effective date thereof; and to declare an emergency.

LEGISLATIVE BILL 1035. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Kennedy, 21st District; Kime, 43rd District; Rasmussen, 41st District; Maresh, 32nd District; Dickinson, 31st District; C. Carsten, 2nd District; Epke, 24th District.

A BILL FOR AN ACT to adopt the Nebraska Pesticides and Devices Act; to provide penalties; to provide an operative date; to provide severability; to repeal sections 2-2606 to 2-2611, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2601 to 2-2605, Revised Statutes Supplement, 1972; and to declare an emergency.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 12, 1974 at 10:10 a.m. were the following: LB 655, LB 680, LB 986 and LB 987.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 608, 639, 715, 729 and 778.

(Signed) John J. Cavanaugh, Chairman

NOTICE OF COMMITTEE HEARINGS

Constitutional Revision and Recreation

LB 1030	Thursday, February 21, 1974	2:00 p.m.
LB 1031	Thursday, February 21, 1974	2:00 p.m.
LB 1033	Thursday, February 21, 1974	2:00 p.m.

(Signed) George Syas, Chairman

UNANIMOUS CONSENT—Members Excused

Mr. DeCamp asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Rasmussen asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 613.

Mr. Cavanaugh asked unanimous consent to withdraw his pending amendment found in the Journal on page 523 for the Twenty-third Day. No objections. So ordered.

Mr. Cavanaugh offered the following amendment:

1. Insert a new section 1 as follows:

"Section 1. That original section, 77-202.12, Revised Statutes Supplement, 1973, be amended to read as follows:

3 77-202.12. As used in sections 77-202.12 to 77-202.22, unless
4 the context otherwise requires:

5 (1) Homestead shall mean a residence, and the land surrounding
6 it, not exceeding one acre, in this state actually occupied as
7 such by a natural person who is the owner of record thereof as
8 of January 1 in each year or so occupied by the surviving spouse
9 and minor children, if any, if such owner of record, or so much
10 thereof as shall be so occupied;

11 (2) Owner shall mean the owner of record or surviving spouse,
12 the vendee in possession under a land contract or surviving spouse,
13 or one of the joint tenants or tenants in common or surviving
14 spouse;

15 (3) Household income shall mean the total federal adjusted
16 gross income of any claimant and spouse as defined in the Internal
17 Revenue Code of the United States for the taxable year of the
18 claimant immediately prior to the year for which the claim for
19 exemption is made; and

20 (4) A qualified claimant for the exemption provided under
21 subdivision (4) of section 77-202.13 shall mean an owner of a
22 homestead who was sixty-five years of age or over during the
23 calendar year for which the claim is made and whose household
24 income does not exceed (a) for a single claimant, ~~two~~ three
25 ~~thousand eight two~~ hundred dollars, (b) for a married claimant
26 with one spouse sixty-five years of age or over, three thousand
27 ~~five eight~~ hundred fifty dollars, or (c) for a married claimant
28 with both spouses sixty-five years of age or over, four thousand
29 ~~three eight~~ hundred dollars."

2. In section 2 strike "section" and insert "sections
77-202.12 and"; and strike "is" and insert "are".

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays and 30 not voting.

The Call showed 41 members present.

Mr. Cavanaugh moved the Call be raised. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

The Cavanaugh amendment was adopted with 25 ayes, 7 nays and 17 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 600. Mr. Carpenter requested a record vote on his pending amendment found in the Journal on page 587 for the Twenty-sixth Day.

Voting in the affirmative, 11:

Carpenter	Clark	Duis	Epke	F. Lewis
R. Lewis	Mahoney	Moylan	Skarda	Snyder
Syas				

Voting in the negative, 20:

Anderson	Burbach	C. Carsten	F. Carstens	Cavanaugh
Chambers	Dickinson	Fowler	Hasebroock	Johnson
Kennedy	Kime	Kremer	Luedtke	Marsh
Nore	Stahmer	Stull	Warner	Whitney

Not voting, 18:

Barnett	DeCamp	Fellman	Goodrich	Kelly
Keyes	Maresh	Marvel	Murphy	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Stromer	Waldron	Wiltse		

The amendment lost with 11 ayes, 20 nays and 18 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 730. E & R amendment found in the Journal on page 584 for the Twenty-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 77A. E & R amendment found in the Journal on page 584 for the Twenty-sixth Day was adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 17A. E & R amendment found in the Journal on page 584 for the Twenty-sixth Day was adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 684. E & R amendments found in the Journal on page 584 for the Twenty-sixth Day were adopted.

Mr. Cavanaugh offered the following amendment, which was adopted with 25 ayes, 0 nays and 24 not voting.

Pg 2, line 3, strike "registered".

Pg 2, line 9, after "court" add "upon a showing of actual notice."

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 827. E & R amendments found in the Journal on page 586 for the Twenty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 772. E & R amendments found in the Journal on page 584 for the Twenty-sixth Day were adopted.

Mr. Carpenter renewed his pending amendments (I) found in the Journal on pages 507 and top of 508 for the Twenty-second Day.

Mr. Duis moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

The Call showed 46 members present.

Mr. Carpenter requested a roll call vote on his amendment (I).

Mr. Marvel moved the Call be raised. The motion prevailed with 38 ayes, 0 nays and 11 not voting.

Voting in the affirmative, 28:

Barnett	Carpenter	Chambers	Clark	Duis
Epke	Fowler	Hasebroock	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marvel	Moylan
Richendifer	Schmit	Skarda	Snyder	Stromer
Stull	Whitney	Wiltse		

Voting in the negative, 5:

Marsh	Murphy	Stahmer	Syas	Warner
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Not voting, 16:

Anderson	Burbach	C. Carsten	F. Carstens	Cavanaugh
DeCamp	Dickinson	Fellman	Goodrich	Johnson
Nore	Proud	Rasmussen	Savage	Simpson
Waldron				

The Carpenter amendment (I) was adopted with 28 ayes, 5 nays and 16 not voting.

Mr. Maresh asked unanimous consent to withdraw his pending amendment found in the Journal on page 541 for the Twenty-fourth Day. No objections. So ordered.

Mr. Duis asked unanimous consent to withdraw the part of the Carpenter amendment (II), (1. & 2.) found in the Journal on bottom of page 508 and top of page 509. No objections. So ordered.

The remainder of the Carpenter amendment (II), (3. & 4.) found in the Journal on page 509 was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Carpenter asked unanimous consent to print the additional amendments to be offered on LB 772 in the Journal. No objections. So ordered.

Amendment to LB 772 by Frank Lewis

On page 6, line 2 strike 350 and insert 500; line 3 strike 750 and insert 850; line 5, strike 800 and insert 900; line 6 strike 900 and insert 950. Strike line 7-12.

REFERENCE COMMITTEE REPORT

LB	Committee
1034	General File
1035	Agriculture and Environment

(Signed) Terry Carpenter, Chairman

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 760. Indefinitely postponed.
LEGISLATIVE BILL 891. Indefinitely postponed.
LEGISLATIVE BILL 668. Placed on General File.
LEGISLATIVE BILL 718. Placed on General File.

(Signed) George Syas, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 754. Placed on General File as amended.
Standing Committee amendments to LB 754:

1. On page 14, after section 3 add a new section to be known as section 4 and to read as follows:

"Sec. 4. That section 60-1404, Revised Statutes Supplement, 1972, be amended to read as follows:
60-1404. The board shall employ an executive secretary who shall keep a record of all proceedings, transactions, communications, and official acts of the board. He shall be custodian of all records of the board and perform such other duties as the board may require. The executive secretary shall call a meeting of the board at the direction of the chairman thereof or upon a written request of two or more members thereof. The board is authorized to employ an attorney at a minimum salary of six hundred dollars per month together with such other employees, including staff for its attorney, as may be necessary to properly carry out the provisions of sections 60-1401 to ~~60-1419~~ 60-1435, to fix the salaries of such employees, and to make such other expenditures as are necessary to properly carry out the provisions of sections 60-1401 to ~~60-1419~~ 60-1435. The office of the boards shall be maintained in the State Capitol at Lincoln and all files, records, and property of the board shall at all times be and remain therein."

2. Renumber sections 4 to 6 as sections 5 to 7 respectively.

3. On page 19 after section 6, add a new section to be known as section 8 and to read as follows:

"Sec. 8. That section 60-1409, Revised Statutes Supplement, 1972, be amended to read as follows:
60-1409. All fees collected under this act shall be paid by the board, as collected, into the state treasury. The State Treasurer shall enter and carry on his records all such collections in a separate fund to be designated as the Nebraska Motor Vehicle Industry Licensing Fund. Such fund shall, ~~be when~~ specifically appropriated by the Legislature for that purpose, for the operations of the Motor Vehicle Industry Licensing Board, and shall be paid out from time to time by warrants of the Director of Administrative Services on the State Treasurer for authorized expenditures upon duly itemized vouchers executed as provided by law and approved by the chairman of the board. The expenses of conducting the office must always be kept within the income collected and reported to the State Treasurer by such board. Such office and expense thereof shall not be supported or paid from the General Fund- and all money deposited in such fund shall be expended only for such office and expense thereof. Further, unless determined by the board, it shall not be required to expend any funds to any person or any other governmental agency. Any

21 money in the Nebraska Motor Vehicle Industry Licensing Fund
 22 available for investment shall be invested by the state investment
 23 officer pursuant to the provisions of sections 72-1237 to 72-1244
 24 and 72-1246 to 72-1259 and the fund shall be audited annually by
 25 the Auditor of Public Accounts."

4. Renumber sections 7 to 15 as sections 9 to 17 respectively.

5. On page 14, line 19 after the period insert "No salesman's license shall be issued to any person under the age of sixteen, and no dealer's license shall be issued to any minor."

6. On page 17 strike lines 5 to 13 and show same as stricken matter, line 14 strike "~~(11)~~" and insert "~~(11)~~(10)", and line 20 strike "~~(12)~~" and insert "~~(12)~~(11)".

7. On page 18 line 3 strike "~~(13)~~" and insert "~~(13)~~(12)", and line 13 strike "~~(14)~~" and insert "~~(14)~~(13)".

8. On page 19 line 2 strike the new matter.

9. On page 23 line 15 strike "or", strike line 15 and insert "(15) Has employed any unlicensed salesman or salesmen; or (16) Has failed to comply with the provisions of Chapter 60, article 17 or 23."

10. On page 29 lines 14 and 15 strike "unless such fact is clearly disclosed in the advertisement".

11. Amend page 30, line 21 by inserting "and" after the semicolon and by striking lines 22 to 24.

12. On page 34 lines 4 and 5 by striking the new matter and inserting "for five years from date of sale", line 12 reinstate the stricken word "ten", and striking the new matter, line 13 by inserting after the comma "but for the year 1975 and thereafter, shall, at the time of making application, furnish a corporate surety bond in the penal sum of twenty thousand dollars,", and by striking the new matter in lines 18 to 23.

13. On page 35 line 17 by inserting "selling at auction," after the first comma.

14. On page 35 line 2 insert "60-1404," after the first comma and insert "60-1409," before "60-1411.01".

LEGISLATIVE BILL 815. Placed on General File as amended.

Standing Committee amendments printed and on file in the Clerk's Office.

LEGISLATIVE BILL 870. Placed on General File as amended.

Standing Committee amendments printed and on file in the Clerk's Office.

(Signed) John J. Cavanaugh, Vice-Chairman

Revenue

LEGISLATIVE BILL 657. Indefinitely postponed.

LEGISLATIVE BILL 971. Indefinitely postponed.

LEGISLATIVE BILL 825. Placed on General File.

(Signed) J. W. Burbach, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Wiltse asked unanimous consent to be excused Thursday, February 14, 1974. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 1032 Tuesday, February 19, 1974 1:00 p.m.

(Signed) John J. Cavanaugh, Vice-Chairman

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Committee on Agriculture and Environment at 12:00 Noon today.

UNANIMOUS CONSENT—State Aid Information

Mr. Warner asked unanimous consent for the staff to contact DAS to see whether a computer print-out or other information on impact relative to state aid can be made available to the members. No objections. So ordered.

VISITORS

President Marsh introduced members of the Omaha PTA Council; Former Senator Wayne Schreurs of Seward, Nebraska; Mayor Sam Swartzkopf of Lincoln.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Richendifer, the Legislature adjourned until 9:00 a.m., Wednesday, February 13, 1974.

Vincent D. Brown
Clerk of the Legislature

TWENTY-EIGHTH DAY—FEBRUARY 13, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 13, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplin.

Our God, we pray that thou wilt bless these men chosen by the people of every part of this great state, for thou knowest them, their needs, their motives, their hopes, and their fears. Lord Jesus, put Thine arm around them to give them strength, and speak to them to give them wisdom greater than their own. May they hear thy voice and seek Thy guidance.

May they remember that Thou art concerned about what is said and done here, and may they have a clear conscience before thee, that they need fear no man. Bless each of us according to our deepest need, and use us for Thy glory, we humbly ask in Jesus' name. Amen.

ROLL CALL

The roll was called and all members were present.

CORRECTIONS FOR JOURNAL

The Journal for the Twenty-seventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 684. Replaced on Select File as amended.
E & R amendment to LB 684:

1. On page 2, line 3, strike "either";
and in line 4 strike "or".

LEGISLATIVE BILL 640. Placed on Select File as amended.
E & R amendments to LB 640:

1. Insert the new matter added by the committee amendment at the end of line 12, page 2.
2. In the committee amendment, line 1, insert an underscored comma after "Provided"; and in the last line strike "subsection" and insert "subdivision".
3. On page 4, line 11, strike "it" and insert "it they".

Correctly Engrossed

The following bills were correctly engrossed: 664, 666 and 683.

Correctly Enrolled

The following bills were correctly enrolled: 323, 598, 609, 611, 626, 653, 703, 704 and 717.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 323, 598, 609, 611, 626, 653, 703, 704 and 717.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 924. Placed on General File.

(Signed) J. W. Burbach, Chairman

Agriculture and Environment

LEGISLATIVE BILL 694. Placed on General File.

LEGISLATIVE BILL 858. Placed on General File as amended.
Standing Committee amendment to LB 858:

1. On page 6, line 5 after the period insert "The requirements of this subdivision shall not become effective until January 1, 1975."

(Signed) Loran Schmit, Chairman

UNANIMOUS CONSENT—Bracket LB 592

Mr. Nore asked unanimous consent to bracket LB 592 on Final Reading.

Mr. Carpenter objected.

Mr. Nore moved to bracket the bill. The motion lost 17 ayes, 19 nays and 13 not voting.

STANDING COMMITTEE REPORTS Appropriations

LEGISLATIVE BILL 984. Placed on General File.

(Signed) Richard D. Marvel, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 592. With Emergency.

A BILL FOR AN ACT to amend section 79-1108, Reissue Revised Statutes of Nebraska, 1943, sections 79-516.07 and 79-551, Revised Statutes Supplement, 1972, and section 79-426.19, Revised Statutes Supplement, 1973, relating to schools; to provide a statute of limitations; to provide for the validation of transfers of property; to eliminate provisions for electing members of a board of education of a Class III school district at a statewide primary election; to provide procedures for the election of the board of a Class III district; to repeal the original sections, and also section 79-803, Revised Statutes Supplement, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Anderson	Barnett	Carpenter	Cavanaugh	Dickinson
Duis	Fellman	Fowler	Hasebroock	Johnson
Kelly	Kennedy	Keyes	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Murphy
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 12:

Burbach	C. Carsten	F. Carstens	Chambers	Clark
DeCamp	Goodrich	Kremer	Mahoney	Moylan
Nore	Syas			

Not voting, 2:

Epke Kime

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Proud asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 806.

A BILL FOR AN ACT relating to motor vehicles; to provide warning signs on certain trailers; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 1:

Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 772. Mr. Warner asked unanimous consent to bracket LB 772. No objections. So ordered.

LEGISLATIVE BILL 697. E & R amendments found in the Journal on page 595 for the Twenty-seventh Day were adopted.

Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 1035 Thursday, February 21, 1974

2:00 p.m.

ANNOUNCEMENT

Mr. Chambers announced an executive session of the Government, Military and Veterans Affairs committee at 1:00 p.m. today.

UNANIMOUS CONSENT—Order of Day

Mr. Carpenter asked unanimous consent to consider LB 984 on General File tomorrow after LB 327. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Carpenter asked unanimous consent to print the following amendments to LB 984 in the Journal. No objections. So ordered.

Amendments to LB 984 by Mr. Warner

1. Strike original sections 2 to 8 and insert the following:

"Sec. 2. That section 79-4,161, Revised Statutes Supplement, 1973,

2 be amended to read as follows:

3 79-4,161. For purposes of sections ~~79-4,159-79-4,160~~ to 79-4,168, a
4 school district's general fund ~~budget expenditures~~ shall be the ~~budget-~~
5 ~~total disbursements as reported on the annual finance report~~ for that dis-
6 trict less amounts ~~budgeted-disbursed~~ for:

7 (1) The payment of principal, interest, and any other charge for or
8 on bonded indebtedness;

9 ~~(2) Payments from building and equipment funds which shall be those~~
10 ~~funds which are authorized to be levied under statutes requiring a sepa-~~
11 ~~rately stated levy with such separately stated levy having a statutory~~
12 ~~limit under statutes which limit the use of money raised by such levies to~~
13 ~~specific purposes. Such funds shall include but not be limited to these~~
14 ~~funds authorized by sections 79-506.01, 79-548.01, 79-811, 79-904, and~~
15 ~~79-1007.02; and~~

16 ~~(3) Payments or expenditures for that part of programs or activities~~
17 ~~funded in whole or in part by the United States government or its agencies~~
18 ~~but not payments or expenditures for programs or activities funded in~~
19 ~~whole or in part by the State of Nebraska or any of its political subdivi-~~
20 ~~sions.~~

21 (2) Expenditure for utilities excluding telephone expenses;

22 (3) The district's share of social security tax and retirement;

23 (4) That part of programs or activities funded in whole or in part by
 24 the United States government or its agencies but not for programs
 25 or activities funded in whole or in part by the State of Nebraska
 26 or any of its political subdivisions; and

27 (5) Special education programs implemented after the 1972-73
 28 school year to meet the requirements of sections 43-604, 43-609, 43-620,
 29 43-625 to 43-627.01, 43-641 to 43-660, and 79-444.

Sec. 3. That section 79-4, 162, Revised Statutes Supplement, 1973,
 2 be amended to read as follows:

3 79-4, 162. The general fund budget expenditure of all school
 4 districts shall be computed in accordance with the provisions of
 5 sections ~~79-4, 159-79-4, 160 to 79-4, 168.~~ Expenditures from such
 6 general fund budget. Such expenditures shall not be made in excess
 7 of the amount computed under sections ~~79-4, 159-79-4, 160 to 79-4, 168.~~

Sec. 4. That section 79-4, 164, Revised Statutes Supplement, 1973,
 2 be amended to read as follows:

3 79-4, 164. ~~For the 1973-74 school year, the~~ The general fund
 4 ~~budget expenditures~~ of any school district may not be increased
 5 over its budget expenditures for the preceding year by more than the
 6 amount arrived at pursuant to the following computations: (1)
 7 To the amount of salary and salary related items shall be added an
 8 amount equal to two per cent of the salary and salary related
 9 items and this total shall be increased by a factor or percentage
 10 which shall be the the increase of the Cost of Living Index as
 11 established by the United States Department of Labor for the im-
 12 mediately preceding ~~calendar~~ year ending June 30. ~~To the amount~~
 13 ~~resulting from this computation may be added an amount equal to~~
 14 ~~any increase in employer contributions under the federal Social~~
 15 ~~Security Act, which will take effect during the year for which the~~
 16 ~~budget is being set such amount to be computed based upon the~~
 17 ~~number of employees and their salaries in the year preceding the~~
 18 ~~year for which the budget is being set;~~ (2) to the amount of other
 19 expenses shall be added an amount equal to two per cent of the
 20 other expenses and this total shall be multiplied by a factor or
 21 percentage which shall be the increase in the Wholesale Price
 22 Index as established by the United States Department of Commerce
 23 for the immediately preceding ~~calendar~~ year ending June 30, to
 24 which may be added an amount by which the average of the preceding
 25 five years' expenditures for other expenses exceeds the other
 26 expenses expenditures of the preceding year; and (3) the amounts
 27 resulting from computations pursuant to subdivisions (1) and (2)
 28 of this section shall be added together and shall constitute the
 29 dollar amount that the general fund ~~portion of the budget expen-~~
 30 ~~ditures~~ described in section 79-4, 160 may be increased, except
 31 that if there is an increase in student enrollment the amount
 32 determined under this subdivision may be further increased by the
 33 percentage increase in student enrollment.

Sec. 5. That section 79-4, 165, Revised Statutes Supplement,
 2 1973, be amended to read as follows:

3 79-4, 165. For purposes of sections ~~79-4, 159-79-4, 160 to~~
 4 ~~79-4, 168,~~ student enrollment shall mean average daily membership
 5 as defined by the State Department of Education.

Sec. 6. That section 79-4,166, Revised Statutes Supplement, 1973, be amended to read as follows:

79-4,166. In making computations required pursuant to sections ~~79-4,169-79-4,160~~ to 79-4,168, the school districts shall use estimates whenever final figures are not available, but when final figures become available the amounts shall be recomputed. If the recomputations shows that ~~a lower budget was~~ lower expenditures were required than was estimated, the amount of difference shall be determined. Expenditures shall be reduced by the amount of such determination and the amount of such determination shall be carried forward into the next budget year as an item of general fund revenue for the district. If expenditures as made in excess of the amount permitted under section ~~79-4,159-79-4,160~~ to 79-4,168, the State Board of Education through the State Department of Education shall for each dollar of excess expenditure subtract one dollar from any state funds being distributed to such district for general school purposes. The amounts so subtracted shall revert to the state General Fund. Such subtraction shall be from such funds next distributed to the school district and such district shall not use such excess expenditures in computing its succeeding ~~budget~~ general fund expenditures or expenditure limitation.

Sec. 7. That section 79-4,167, Revised Statutes Supplement, 1973, be amended to read as follows:

79-4,167. If the governing board of any school district desires to seek general fund expenditures higher than authorized by sections 79-4,160 to 79-4,164, such governing board may submit the higher general fund expenditure issue to the voters of that district at either a general election or a special election or a special election called for that purpose. If a majority of the votes cast at such an election approve ~~such higher budget, the increase~~ in general fund expenditures, such increase may be made, and the amount of such increase shall not be considered a part of general fund expenditures when computing the expenditure limitation under sections 79-4,160 to 79-4,168, it shall become the budget for the district.

Sec. 8. That section 79-4,168, Revised Statutes Supplement, 1973, be amended to read as follows:

79-4,168. At the time of deciding to submit ~~a budget proposed~~ increase in expenditures to an election, the governing board shall, by resolution, show the following information: (1) The amount of the previous year's ~~budget~~ general fund expenditure; (2) The allowable increase in such ~~budget~~ expenditures under sections ~~79-4,159-79-4,160~~ to 79-4,168, both as to percentage and dollar amount increases; (3) the dollar amount of increase above the limitations provided in sections 79-4,160, to 79-4,165 sought to be approved in the election; and (4) the intended use of the funds which are in excess of the allowable increase under section 79-4,163.

Sec. 9. Prior to the reduction of future state aid payments under the provisions of subsection (4) of this section, the State Department of Education shall provide written notice to the school district. Such notice shall indicate the dollar amount of the penalty, the reason for such penalty, and when the reduction shall occur.

- Sec. 10. The State Department of Education shall promulgate
2 and adopt such rules and regulations as shall be necessary to
3 carry out the provisions of this act."

MOTION—General File February 15

Mr. Carpenter moved that supposedly non-controversial bills be considered on Friday, February 15, 1974, with the understanding that if there is an objection to such consideration the presiding officer will immediately pass over that individual bill.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

GENERAL FILE

LEGISLATIVE BILL 293. Considered.

Mr. Chambers offered the following amendment which was adopted:
 Amend the Goodrich amendment to LB 293.

P. 14, line 9; after "comply", add "after written or actual notice", same in lines 19 and 20.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 685. Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 997. Mr. Carpenter asked unanimous consent to dispense with reading the bill and allow Mr. Marvel to explain the bill section by section. No objections. So ordered.

Mr. Carpenter offered the following amendment:

1. On page 5, lines 20 and 21, strike "119,091" and insert "219,091".
2. On page 5, between lines 19 and 20, insert the following new paragraph:
 "There is included in the amount shown \$100,000 of General Funds to provide additional staff in the Office of the Chief Executive to assist in carrying out the duties and responsibilities for which are currently used staff from other agencies."

MR. SCHMIT PRESIDING

Mr. Carpenter requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Anderson	Burbach	Carpenter	Cavanaugh	Duis
Fellman	Fowler	Kelly	F. Lewis	Luedtke
Marsh	Marvel	Savage	Simpson	Stahmer
Stull	Syas	Waldron	Whitney	Wiltse

Voting in the negative, 22:

Barnett	C. Carsten	Dickinson	Epke	Hasebroock
Johnson	Kennedy	Keyes	Kime	Kremer
R. Lewis	Mahoney	Maresh	Murphy	Nore
Rasmussen	Richendifer	Schmit	Skarda	Snyder
Stromer	Warner			

Not voting, 7:

F. Carstens	Chambers	Clark	DeCamp	Goodrich
Moylan	Proud			

The amendment lost with 20 ayes, 22 nays and 7 not voting.

Mr. Carpenter offered the following amendment; which was adopted with 29 ayes, 0 nays and 20 not voting.

Page 21, line 19, strike "350,000" and insert "1,850,000"

Mr. Whitney asked unanimous consent to print the following amendment to LB 997 in the Journal. No objections. So ordered.

That the bill be amended so as to eliminate the one and one half percent provided for discretionary pay raises and to provide a two hundred forty dollar pay increase for each full-time employee or equivalent in addition to that as allowed in the bill and that the fiscal staff be directed to prepare and submit the necessary amendments to accomplish such purposes.

Laid over.

ANNOUNCEMENT

Mr. Warner announced an Education Committee executive session immediately following adjournment.

UNANIMOUS CONSENT—Change of Hearing Rooms

Mr. Waldron asked unanimous consent to hold the Miscellaneous Subjects Committee hearing on February 14 in the East Chamber and Public Works Committee hearing in Room 1019. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Murphy asked unanimous consent to print the following amendments to LB 327 in the Journal. No objections. So ordered.

Amendments to LB 327:

Section 1. Strike Sections 1 through 25, and in lieu thereof insert the following:

Section 2. Amend section 87-301, R.R.S. 1943, by adding thereto the following:

(9) "Chain distributor scheme" (pyramid sales) is a sales device whereby a person, upon a condition that he make an investment, is granted a license or right to recruit for profit one or more additional persons who also are granted such license or right upon condition of making an investment and may further perpetuate the chain of persons who are granted such license or right upon such condition. A limitation as to the number of persons who may participate, or the presence of additional conditions affecting eligibility for the above license or right to recruit or the receipt of profits therefrom, does not change the identity of the scheme as a chain distributor scheme.

(10) "Investment" for the purposes of this Act shall be any acquisition, for a consideration other than personal services, of personal property, tangible or intangible, for profit or business purposes, and includes, without limitation, franchises, business opportunities and services. It does not include real estate or securities registered under Chapter 8, Article 11, R.R.S. 1943, or sales demonstration equipment and materials furnished at cost for use in making sales and not for resale.

(11) "Referral or chain referral sales or leases" shall be any sales technique, plan, arrangement or agreement whereby the seller or lessor gives or offers to give a rebate or discount or otherwise pays or offers to pay value to the buyer or lessee as an inducement for a sale or lease in consideration of the buyer or lessee giving to the seller or lessor the names of prospective buyers or lessees or otherwise aiding the seller or lessor in making a sale or lease to another person if the earning of the rebate, discount, or other value is contingent upon the occurrence of an event subsequent to the time the buyer or lessee agrees to buy or lease.

(12) "Attorney General" for the purposes of this Act shall mean the Attorney General of the State of Nebraska, or the County Attorney of any County within the State of Nebraska, with the consent and advice of the Attorney General or his designate.

Section 3. Amend Section 87-302, R.R.S., 1943, by adding the following:

(13) Uses or promotes the use of a chain distributor scheme as herein defined in connection with the solicitation of business or personal investments from members of the public.

(14) With respect to a sale or lease to a natural person of goods or services purchased or leased primarily for personal, family, household or agricultural purposes, it shall be unlawful for a seller or lessor to use or employ any referral or chain referral sales technique, plan, arrangement, or agreement.

Section 4. (1) An unconscionable act or practice by a supplier in connection with a consumer transaction shall be a violation of this act.

(2) The unconscionability of an act or practice shall be a question of law for the court. If it is claimed or appears to the court that an act or practice may be unconscionable, the parties shall be given a reasonable opportunity to present evidence as to its setting, purpose, and effect to aid the court in making its determination.

Section 5. Powers of Attorney General. When the Attorney General has cause to believe that any person has engaged in or is engaging in any deceptive trade practice or unconscionable act listed in Section 87-302 or Section 4 of this Act, he may:

(a) Require such person to file a statement or report in writing under oath or otherwise, on such forms as shall be prescribed by him, as to all facts and circumstances concerning the sale, offer or advertisement of property by such person, and such other data and information as he may deem necessary;

(b) Examine under oath any person in connection with the sale or advertisement of any property;

(c) Examine any property or sample thereof, record, book, document, account, or paper as he may deem necessary; and,

(d) Pursuant to an order of any District Court, impound any record, book, document, account, paper, or sample of property which is material to such practice and retain the same in his possession until the completion of all proceedings undertaken under this Act.

Section 6. Subpoenas — hearings — rules.

(1) The Attorney General, in addition to other powers conferred upon him by this Act, may issue subpoenas to require the attendance of witnesses or the production of documents, administer oaths, conduct hearings in aid of any investigation or inquiry, and prescribe such forms and promulgate such rules as may be necessary to administer the provisions of this Act.

(2) Service of any notice or subpoena may be made in the manner prescribed by the Rules of Civil Procedure for the State of Nebraska.

Section 7. Failure to obey order or subpoena — remedies.

(1) If any person fails or refuses to obey any order of the Attorney General, to file any statement or report, or to obey any subpoena issued by the Attorney General, pursuant to the provisions of this Act, the Attorney General may apply to any District Court in this State for relief until such person obeys such order or subpoena or files such statement or report.

(2) The Court, in its order, may:

(a) Grant injunctive relief restraining the sale or advertisement of any property by such person;

(b) Require the attendance of or the production of documents by such person, or both;

(c) Suspend or revoke any license, permit, or certificate issued pursuant to law to any such person, which may be used to further the alleged unlawful practice; or

(d) Grant such other or further relief as may be necessary to obtain compliance by such person.

Section 8. Restraining orders — injunctions — assurance of discontinuance.

(1) Whenever the Attorney General has cause to believe that a person has engaged in or is engaging in any deceptive trade practice or unconscionable act listed in Section 87-302 or Section 4 of this Act, he may apply for an obtain, in an action in any District Court of this State, a temporary restraining order, or injunction, or both, pursuant to the Nebraska Rules of Civil Procedure, prohibiting such person from continuing such practices, or engaging therein, or doing any act in furtherance thereof. The Court may make such orders or judgments as may be necessary to prevent the use or employment by such person of any such deceptive trade practice, or which may be necessary to restore to any other person any monies, or real or personal property which may have been acquired by means of any such practice.

(2) Where the Attorney General has authority to institute a civil action or other proceeding pursuant to the provisions of this Act, in lieu thereof, he may accept an assurance of discontinuance of any deceptive trade practice or unconscionable act listed in Section 87-302 or Section 4 of this Act. Such assurance may include a stipulation for the voluntary payment by the alleged violator of the costs of investigation by the Attorney General, any amount or amounts necessary to restore to any person any money or real or personal property which may have been acquired by such alleged violator by means of any such practice. Proof by a preponderance of evidence of a violation of such assurance shall constitute prima facie evidence of a deceptive practice, as listed in Section 87-302 of this Act in any civil action or proceeding thereafter commenced by the Attorney General.

Section 9. Claims not barred. The provisions of this Act shall not bar any claim against any person who has acquired any monies or real or personal property by means of any deceptive trade practice or unconscionable act listed in Section 87-302 or Section 4 of this Act.

Section 10. If a buyer or lessee is induced by a violation of Section 87-302 or Section 4 of this Act to enter into a sale or lease, the agreement is unenforceable by the seller or lessor and the buyer or lessee, at his option, may judgment of the court or the terms of a written assurance rescind the agreement or retain the merchandise delivered and the benefit of any services performed without any obligation to pay for them.

Section 11. Violations — Penalty. Any person who violates the provisions of Section 87-302 or Section 4 of his Act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars or confinement in the County jail for a period not to exceed six months or both.

Section 12. Willful Violations — Penalty. Any person who willfully violates the terms of an injunction or declaratory

of voluntary compliance entered into pursuant to this Act shall be deemed guilty of a felony and shall be fined not more than five thousand dollars or imprisoned in the Nebraska Penal and Correctional Complex for a term not to exceed five years or both such fine and imprisonment.

Section 13. Repeal Article 14 of Chapter 69, R.R.S. 1943.

Section 14. Repeal the title of L. B. 327, and in lieu thereof insert the following:

An Act to further describe what constitutes deceptive practices and unconscionable acts, to provide for enforcement by the Attorney General and County Attorneys, to provide penalties and to repeal Article 14 of Chapter 69, R.R.S. 1943, and original Sections 87-301 and 87-302.

Section 15. Severability. The provisions of this Act are severable and if any part or provisions hereof shall be held void the decision of the Court so holding shall not affect or impair any of the remaining parts or provisions of this Act.

Section 16. Emergency Clause. Since an emergency exists, this Act shall be in full force and take effect from and after its passage and approval, according to law.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 862. Indefinitely postponed.

LEGISLATIVE BILL 911. Placed on General File as amended.

Standing Committee amendment to LB 911:

1. On page 2 strike lines 22 to 25 and insert:

"Sec. 3. The total number of annual financial payments for each student made under this act shall not exceed sixty students during any school year. No more than fifteen of these students shall be students enrolling in a college of optometry for their first year of instruction."

LEGISLATIVE BILL 958. Placed on General File as amended.

Standing Committee amendments to LB 958:

1. On page 5 strike lines 12 to 19 and insert the following:

"Sec. 5. (1) It is the intent of the Legislature that there be appropriated fifty-five million dollars for the 1974-75 school year. Ten million dollars of such appropriation shall be distributed such that every district in the state receives the same amount of funds per unit of average daily membership as every other district, which distribution shall be based upon average daily membership as defined by the State Department of Education. The remaining forty-five million dollars shall be distributed under the provisions of sections 79-1330 to 79-1344, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, (2) for school year 1975 to

11 1976, it is the intent of the Legislature that there be appropriated
 12 one hundred twenty million dollars, and (3) for school year 1976 to
 13 1977 and all subsequent school years, the appropriation shall be in-
 14 creased seven per cent over the appropriation for the preceding year."

2. On page 5, insert a new section to be known as section 7, and to read as follows:

"Sec. 7. This act shall become operative on the effective date
 2 of this act except that sections 1, 2, 3, and 8 of this act shall
 3 become operative on September 1, 1975."

3. Renumber original section 7 as section 8.

(Signed) Jerome Warner, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 922. Placed on General File.

(Signed) J. James Waldron, Chairman

MOTION—Introduce Bill

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. 1579) The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1036. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Johnson, 15th District; Marsh, 29th District; Savage, 10th District; Nore, 22nd District; Simpson, 46th District; Whitney, 44th District; Stahmer, 8th District.

A BILL FOR AN ACT to amend section 3, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, relating to appropriations; to increase an appropriation for the School for the Deaf; to repeal the original section; and to declare an emergency.

VISITORS

President Marsh introduced 18 Ninth Grade students and teachers from Columbus; 30 Shelton High School students from Shelton and teacher Mrs. Nick Keller.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Stahmer, the Legislature adjourned until 9:00 a.m., Thursday, February 14, 1974.

Vincent D. Brown
Clerk of the Legislature

TWENTY-NINTH DAY—FEBRUARY 14, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 14, 1974

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

Eternal God, for the members of this legislature who are serving the people of this state, sometimes accepting personal abuse, misunderstandings, and often sacrificing home and family, we are grateful. May they feel that their service has been worthwhile. And may they be given a time of spiritual, mental, and physical re-creation, so again they may face problems too intricate to solve, yet which require a vote nevertheless.

Give to each one of these senators a righteous purpose from which no alluring incentives may cause them to deviate. Give them a toughness of will that no tribulation can destroy. Give them a coolness of mind, which can think objectively, and a warmth of heart which has compassionate logic as well as deep understanding that as we come to the end of this session we may merit thy benediction, "Well done, good and faithful servant." Amen.

ROLL CALL

The roll was called and all members were present except Mr. Wiltse who was excused; Messrs Fowler who was absent until 9:30 a.m.; DeCamp who was absent until 9:50 a.m.; and Skarda who was absent until 11:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-eighth Day was approved.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment
(Correction)

LB1035 Thursday, February 21, 1974

2:00 p.m.

(Signed) Loran Schmit, Chairman

MESSAGE FROM THE GOVERNOR

February 12, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 490 and Reengrossed Legislative Bill No. 699.

These bills were signed by me on February 12, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

ANNOUNCEMENT

Mr. Snyder announced an executive session of the Urban Affairs Committee immediately following adjournment in the East Lounge, Room 2230.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 613. Replaced on Select File as amended.
E & R amendments to LB 613:

1. Renumber sections 1 and 2 of the Carpenter amendment as sections 2 and 3.

2. In new section 3, line 1, strike "section" and insert "sections 77-202.12 and"; and in line 2, strike "is" and insert "are".

3. In line 2 of the title, as amended, strike "section" and insert "sections"; in line 3, insert "to redefine a term;" after the semicolon; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 697. Replaced on Select File as amended.
E & R amendments to LB 697:

1. On page 6, line 18, strike “, State”
and insert “State,”.
2. On page 11, line 12, strike “Corrections”
and insert “Correctional Services”.

Correctly Engrossed

The following bills were correctly re-engrossed: 17A and 77A.

The following bills were correctly engrossed: 600, 730 and 827.

Correctly Enrolled

The following bills were correctly enrolled: 592 and 806.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business,
the President signed the following bills: 592 and 806

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 14, 1974, at 8:45
a.m. were the following: LB 323, LB 598, LB 609, LB 611, LB 626,
LB 653, LB 703, LB 704, and LB 717.

(Signed) Barbara Jackson, Enrolling Clerk

NOTICE OF COMMITTEE HEARING
Committee on Committees

February 14, 1974

The Committee on Committees will meet at 8:00 AM, Tuesday, February
26, 1974, in the East Lounge, Room 2230, for the purpose of hearing
appointments submitted by Governor J. James Exon as follows:

Paul F. Harm — Environmental Control Council
Robert Cox — Environmental Control Council
Dr. V. Franklin Colon — State Board of Health
Paul Dutton — Power Review Board

(Signed) Ramey C. Whitney, Chairman

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 597. Placed on General File as amended.
Standing Committee amendments to LB 597:

1. Strike section 1.
2. On pages 11, 12, 13, 14, and 15 strike the new matter and reinstate the stricken matter.
3. On page 16, line 1 reinstate "~~(3)~~" and strike "(2)"; strike lines 4 to 15; in line 16 strike "77-2703, Reissue"; strike line 17; in line 18 strike "are" and insert "is"; and renumber original sections 2, 4, and 5 as section 1, 2, and 3 respectively.

(Signed) J. W. Burbach, Chairman

UNANIMOUS CONSENT—Bracket Bills

Mr. Kime asked unanimous consent to bracket LB 646 on General File for February 18, 1974. No objections. So ordered.

Mr. Carpenter asked unanimous consent to bracket LB 616 on General File for February 20, 1974. No objections. So ordered.

Mr. Murphy asked unanimous consent to bracket LB 692 on General File for March 18, 1974. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. Stahmer asked unanimous consent to be excused Monday morning, February 18. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 652. Laid over.

LEGISLATIVE BILL 762. With Emergency.

A BILL FOR AN ACT to amend section 75-303, Revised Statutes Supplement, 1973, relating to motor carriers; to exempt governmental subdivisions when engaged in the transportation of persons sixty years of age and older, their spouses and dependents, and the handicapped; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	Dickinson
Duis	Epke	Fellman	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Snyder	Stahmer	Stromer
Stull	Waldron	Warner	Whitney	

Voting in the negative, 0.

Not voting, 5:

DeCamp	Fowler	Skarda	Syas	Wiltse
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 513.

Mr. Goodrich renewed his pending motion to return LB 513 to Select File for the specific amendment found in the Journal on page 601 for the Twenty-seventh Day. The motion prevailed with 37 ayes, 0 nays and 12 not voting.

MOTION—Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment (Req. No. 1593). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1037. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; C. Carsten, 2nd District; Epke, 24th District; Kime, 43rd District; Kennedy, 21st District; Maresh, 32nd District; Dickinson, 31st District; Rasmussen, 41st District.

A BILL FOR AN ACT to amend sections 54-1348 and 54-1349, Revised Statutes Supplement, 1973, relating to the Nebraska Swine Brucellosis Act; to define terms; to change herd validation requirements and procedures as prescribed; to repeal the original sections; and to declare an emergency.

UNANIMOUS CONSENT—Print in Journal

Mr. Kime asked unanimous consent to print the following amendments to LB 646. No objections. So ordered.

Amendments to LB 646

1. On page 2, line 5, insert "and which elected a clerk of the district court in 1970," after "more"; in line 7 insert ": in counties having a population of less than seven thousand inhabitants and more than six thousand inhabitants, there shall be elected a clerk of the district court at the first general election following a determination by the county board and the district judge for the county that such officer should be elected and each four years thereafter," after "thereafter"; strike beginning with the comma in line 7 through the comma in line 9 showing old matter stricken and insert "and in all other counties"; in line 15 strike "any" and insert "any the"; and after "election" in line 15 insert "in 1976 or every four years thereafter"; in line 15 insert "electors of the county equal in numbers to" after "by,"; in line 16 strike "ten" and insert "ten-fifteen" and strike "electors of" and insert "electors of total vote cast for Governor at the most recent gubernatorial election"; and in line 27 strike the second comma and show the same as stricken

2. Insert a new section to read:

"Sec. 2. Notwithstanding the provisions of section 23-1114, the salaries of clerks of the district court in counties of six thousand inhabitants or more who are to be elected at the general election in 1974 pursuant to the provisions of this act shall be fixed by the county board on or before March 8, 1974."

3. Renumber original sections 2 and 3 as sections 3 and 4.

NOTICE OF COMMITTEE HEARING

Rules

There will be a meeting of the Rules Committee Monday, February 18, 1974 at 1:30 p.m. in Room 2230.

(Signed) Herbert J. Duis, Chairman

UNANIMOUS CONSENT—Unbracket Bills

Mr. Luedtke asked unanimous consent to unbracket LB 228 and LB 228A on Final Reading. No objections. So ordered.

MOTIONS—Return Bills to Select File

Mr. Luedtke moved to return LB 228 to Select File for the specific amendment found in the Journal on page 561 for the Twenty-fifth Day. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. Luedtke moved to return LB 228A to Select File for the specific amendment found in the Journal on page 564 for the Twenty-fifth Day. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 684. E & R amendment found in the Journal on page 618 for the Twenty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 640. E & R amendments found in the Journal on page 619 for the Twenty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 513. The Goodrich pending amendment found in the Journal on page 601 for the Twenty-first Day was adopted by a vote of 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 228. The Luedtke specific amendment found in the Journal on page 561 for the Twenty-fifth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 228A. The Luedtke specific amendment found in the Journal on page 564 for the Twenty-fifth Day was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

NOTICE OF COMMITTEE HEARING
Labor

The Labor Committee recessed last night at 5:15 and LB 897 will be heard today at 1:00 in Room 1009, First Floor. Executive Session will follow the hearing on LB 897.

(Signed) Richard Maresh, Chairman

MOTION—Return LB 652 to Select File

Mr. Murphy moved to return LB 652 to Select File for the following specific amendment:

Amend Sec. 1, line 10 strike "greater" insert "lesser".

The motion prevailed with 25 ayes, 1 nay and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 652. The Murphy specific amendment found in this day's Journal was adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Suspend Rules

Mr. Luedtke moved to suspend the rules to introduce four new bills by the Judiciary Committee. (Req. Nos. 1466, 1592, 1576, and 1562) The motion prevailed with 32 ayes, 0 nays and 17 not voting.

The four new bills were introduced with a vote of 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1038. By Judiciary Committee: Luedtke, 28th District, Chairman; Richendifer, 16th District; Chambers, 11th District; Fellman, 4th District; Stull, 49th District; Carpenter, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 48-808, Reissue Revised Statutes of Nebraska, 1943, relating to the reporter of the Court of Industrial Relations; to fix the duties of the reporter; to provide for fees; and to repeal the original section.

LEGISLATIVE BILL 1039. By Judiciary Committee: Luedtke, 28th District, Chairman; Richendifer, 16th District; Chambers, 11th District; Carpenter, 48th District; Stull, 49th District.

A BILL FOR AN ACT to amend section 38-705, Reissue Revised Statutes of Nebraska, 1943, relating to guardian and ward; to provide for appeals from the county court to the district court; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1040. By Judiciary Committee: Luedtke, 28th District, Chairman; Richendifer, 16th District; Fellman, 4th District; Stull, 49th District; Barnett, 26th District; Carpenter, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to the Department of Correctional Services; to create divisions within the department; to provide and transfer functions, powers, duties, and responsibilities as prescribed; to harmonize provisions; to amend sections 47-101, 47-102, 47-104, 47-105, 47-106, 47-107, 47-108, 47-109, 47-110, 47-111, 47-116, 47-201, 47-202, 47-203, 47-206, 83-1,137, 83-1,138, 83-1,139, 83-1,140, and 83-4,103, Reissue Revised Statutes of Nebraska, 1943, sections 47-204, 47-205, and 83-1,105, Revised Statutes Supplement, 1972, and section 83-1,136, Revised Statutes Supplement, 1973; and to repeal the original sections.

LEGISLATIVE BILL 1041. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Barnett, 26th District; Fellman, 4th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, section 8, of the Constitution of Nebraska, relating to the Supreme Court; to provide for appointment of officers and employees and fixing of salaries; to provide for copyrighting of state reports if published; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 925A. By Banking, Commerce and Insurance Committee; F. Carstens, 30th District, Chairman.

A BILL FOR AN ACT to appropriate nine thousand seven hundred ninety-five dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Nebraska Investment Council, Agency No. 75 for Program 610, to aid in carrying out the provisions of Legislative Bill 925, Eighty-third Legislature, Second Session, 1974.

MOTION—Return LB 678 to Committee

Mr. Barnett moved to return LB 678 to Government, Military and Veterans Affairs Committee for public hearing. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 997. Considered.

Mr. Carpenter asked unanimous consent to pass over the bill.

Mr. Whitney objected.

Mr. Whitney renewed his pending amendment found in the Journal on page 626 for the Twenty-eighth Day.

Mr. Whitney asked unanimous consent to temporarily withdraw his amendment. No objections. So ordered.

Laid over.

LEGISLATIVE BILL 327. Title read. Considered.

The Standing Committee amendments referred to on page 1525 for the Seventy-seventh Day (First Session) were rejected.

Mr. Waldron offered the following amendments:

Amendments to L.B. 327

1. Strike sections 1 to 25 and insert the following:
"Section 1. This act shall be construed liberally to promote the following policies:
 - (1) To simplify, clarify, and modernize the law governing consumer sales practices;
 - (2) To protect consumers from suppliers who commit unfair and deceptive, or unconscionable sales practices, or who participate in pyramid sales schemes;
 - (3) To encourage the development of fair consumer sales practices; and
 - (4) To make state regulation of consumer sales practices not inconsistent with the policies of the Federal Trade Commission Act relating to consumer protection.

Sec. 2. As used in this act, unless the context otherwise requires:

- (1) Consumer transaction shall mean an agreement, whether or not otherwise enforceable by action, for a sale, lease, assignment, award by chance, or other disposition of an item of goods, a service, or an intangible, except securities, to an individual for purposes that are primarily personal, family, or household, or that relate to a business opportunity that requires both his expenditure of money or property and his personal services on a continuing basis and in which he has not been previously engaged, and shall include the entire process of soliciting, negotiating, making, performing, and enforcing such agreements. Consumer transaction shall not encompass the sale, lease, assignment, or other disposition of real estate or of any inter-

est in real estate;

(2) Attorney General shall mean the Attorney General or his authorized representative;

(3) Final judgment shall mean a judgment, including any supporting opinion, that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired;

(4) Person shall mean an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, cooperative, or any other legal entity;

(5) Pyramid sales scheme shall mean any plan or operation for the consummation of consumer transactions wherein one or more persons acquire, for consideration, the opportunity to receive a pecuniary benefit (a) which is not primarily contingent upon the volume or quantity of goods, services, or other property sold or distributed or to be sold or distributed to persons for resale to consumers, and (b) which is based upon the inducement of additional persons, by himself or others, to participate in the same plan or operation. Consideration as used in this subdivision shall not include payment for sales demonstration equipment and materials furnished at cost for use in making sales and not for resale or payment amounting to less than one hundred dollars when computed on an annual basis;

(6) Supplier shall mean a seller, lessor, assignor, or other person who regularly solicits, engaged in, or enforces consumer transactions, whether or not he deals directly with the consumer; and

(7) Violation shall mean noncompliance with the provisions of this act or any rule or regulation promulgated thereunder.

Sec. 3. A consumer transaction entered into in this state as part of a pyramid sales scheme shall be a violation of this act, and shall be void ab initio.

Sec. 4. (1) An unfair or deceptive act or practice by a supplier in connection with a consumer transaction shall be a violation of this act.

(2) Without limiting the scope of subsection (1) of this section, the act or practice of a supplier in representing any of the following shall be unfair or deceptive that:

(a) The subject of a consumer transaction has sponsorship, approval, performance, or other characteristics, accessories, uses, or benefits it does not have;

(b) The subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not;

(c) The subject of a consumer transaction is new, or unused, if it is not, or that it has been used to an extent that is materially different from the fact;

(d) The subject of a consumer transaction has been supplied or is available to the consumer for a reason that does not exist;

(e) The subject of a consumer transaction has been supplied in accordance with a previous representation, if it has not;

(f) The subject of a consumer transaction will be supplied in greater quantity than the supplier intends;

- (g) Repair or replacement is needed, if it is not;
- (h) A specific price advantage exists, if it does not;
- (i) The supplier has a sponsorship, approval, or affiliation he does not have;
- (j) Any writing used to evidence the transaction conforms to the requirements of the Federal Consumer Credit Protection Act, 15 U.S.C. 1601 et seq., or the requirements of Chapter 45, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, if it does not;
- (k) A consumer transaction involves or does not involve a warranty, a disclaimer of warranties, particular warranty terms, or other rights, remedies, or obligations if the representation is false;
- (l) The consumer will receive a rebate, discount, or other benefit as an inducement for entering into a consumer transaction in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if receipt of the benefit is contingent upon an event to occur after the consumer enters into the transaction; or
- (m) The subject of a consumer transaction has a composition, designation, or identity that it does not have.

Sec. 5. (1) An unconscionable act or practice by a supplier in connection with a consumer transaction shall be a violation of this act.

(2) The unconscionability of an act or practice shall be a question of law for the court. If it is claimed or appears to the court that an act or practice may be unconscionable, the parties shall be given a reasonable opportunity to present evidence as to its setting, purpose, and effect to aid the court in making its determination.

(3) In determining whether an act or practice is unconscionable, the court shall consider circumstances such as the following, of which the supplier knew or had reason to know:

- (a) He took advantage of the inability of the consumer reasonably to protect his interests because of his physical infirmity, ignorance, illiteracy, lack of education or experience, inability to understand the language of the agreement, or similar factors;
- (b) When such consumer transaction was entered into the price grossly exceeded the price at which similar property or services were readily obtainable in a similar transaction by like consumers, or by other tests of true value;
- (c) When such consumer transaction was entered into the consumer was unable to receive a substantial benefit from the subject of the transaction;
- (d) When such consumer transaction was entered into there was no reasonable probability of payment of the obligation in full by such consumer;
- (e) The transaction he induced the consumer to enter into was excessively one sided in favor of the supplier;
- (f) The natural effect of the term, act, or practice in question is to cause consumers to misunderstand the true nature of the transaction, or their rights and duties; or

(g) The terms of the writing evidencing the transaction include the waiver of any rights or defenses of the consumer, or terms prohibited by the law or public policy of this state.

Sec. 6. The Attorney General or his staff, designate, or representative shall have the primary responsibility for the implementation and enforcement of the provisions of this act.

Sec. 7. (1) The district, county, municipal, and Small Claims Courts shall have concurrent jurisdiction over any supplier as to any act or practice in this state governed by this act or as to any claim arising from a consumer transaction subject to this act insofar as the action brought is consistent with the jurisdiction competency of the courts as defined in Chapter 24, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

(2) In addition to any other method provided by statute, personal jurisdiction over a supplier may be acquired in a civil action or proceeding instituted in the district court by the service of process in the following manner: If a supplier engages in any act or practice in this state governed by this act, or engages in a consumer transaction subject to this act, he may designate an agent upon whom service of process may be made in this state. Such agent shall be a resident of or a corporation authorized to do business in this state. Such designation shall be in writing and filed with the Secretary of State. If no designation is made and filed, or if process cannot be served in this state upon the designated agent, whether or not the supplier is a resident of this state or is authorized to do business in this state, process may be served upon the Secretary of State, but service upon him shall not be effective unless the plaintiff promptly mails a copy of the process and pleadings by certified mail to the defendant at his last reasonably ascertainable address. An affidavit of compliance with this section shall be filed with the clerk of the court on or before the return day of the process, if any, or within any future time the court allows.

Sec. 8. (1) The Attorney General shall:

- (a) Aid in the enforcement of this act throughout the state;
- (b) Cooperate with state and local officials, officials of other states, and officials of the federal government in the administration of comparable statutes;
- (c) Inform consumers and suppliers on a continuing basis of the provisions of this act and of acts or practices that violate this act, including mailing information concerning final judgments to persons who request it, for which he may charge a reasonable fee to cover the expense;
- (d) Establish programs for the education of consumers with respect to sales practices and consumer problems;
- (e) Receive and act on complaints;
- (f) Maintain a public file of (i) final judgments rendered under the provisions of this act that have been either reported officially or made available pursuant to subdivision (1) (c) of this section, or subsection (4) of section 13 of this act, and (ii) to the extent the Attorney General considers appropriate for use as precedent, assurances of voluntary compliance;

(g) Report annually on or before January 1 to the Governor and Legislature on the operations of his office and on the acts or practices occurring in this state that violate this act. Such report shall include a statement of the investigatory and enforcement procedures and policies of his office, of the number of investigations and enforcement proceedings instituted and of their disposition, and of the other activities of his office and of other persons to carry out the purposes of this act;

(h) Adopt appropriate procedural rules for the performance of his responsibilities under this act; and

(i) Adopt substantive rules that prohibit with specificity acts or practices that violate the provisions of section 3, 4, or 5 of this act. In adopting such rules the Attorney General shall take cognizance of and be guided by court interpretations of this act and the interpretations given by the Federal Trade Commission and the federal courts to section (5) (a) (1) of the Federal Trade Commission Act, 15 U.S.C., section 45 (a) (1), as from time to time amended, and rules and regulations promulgated thereunder, and shall further take cognizance of definitions or interpretations of unconscionability in statutes, regulations, rulings, and decisions of legislative, administrative, or judicial bodies in this state or elsewhere.

(2) Any administrative actions taken by the Attorney General under the provisions of this act shall be taken in accordance with the provisions of Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

(3) In carrying out his duties, the Attorney General shall not publicly disclose the identity of any person investigated unless his identity has become a matter of public record in an enforcement proceeding or such person has consented to public disclosure.

Sec. 9. The Attorney General may conduct research, hold public hearings, make inquiries or investigations, and publish studies relating to consumer sales acts or practices.

Sec. 10. (1) If, by his own inquiries or as a result of complaints, the Attorney General has good cause to believe that a person has engaged in, is engaging in, or is about to engage in an act or practice that violates this act, he may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence.

(2) If matter that the Attorney General subpoenas is located outside this state, the person subpoenaed may either make it available to the Attorney General at a convenient location within the state or pay the reasonable and necessary expenses for the Attorney General or his representative to examine the matter at the place where it is located. The Attorney General may designate representatives, including officials of the state in which the matter is located, to inspect the matter on his behalf, and he may respond to similar requests from officials of other states.

(3) Upon failure of a person without lawful excuse to obey a subpoena and upon reasonable notice to any person affected, the Attorney General may apply to the district court of Lancaster County for an order compelling compliance.

(4) The Attorney General may request that an individual who refuses to comply with a subpoena on the ground that testimony or matter may incriminate him be ordered by the court to provide the testimony or matter. Except in a prosecution for perjury or false swearing, an individual who complies with a court order to provide testimony or matter after asserting a privilege against self-incrimination to which he is entitled by law, shall not be subjected to a criminal proceeding with respect to such transaction concerning which he is required to testify or produce relevant matter. This subsection shall not apply to damages recoverable under subsection (2) of section 13 of this act or to civil sanctions imposed under subsection (1) of section 11 of this act.

Sec. 11. (1) Upon completion of his investigation the Attorney General may bring an action (a) to obtain a declaratory judgment that an act or practice violates this act, or (b) to enjoin, in accordance with the principles of equity, a supplier who has violated, is violating, or is likely to violate this act.

(2) The Attorney General may terminate an investigation upon acceptance of a supplier's written assurance of voluntary compliance with this act. Acceptance of an assurance may be conditioned on a commitment to reimburse consumers or take other appropriate corrective action. An assurance shall not be evidence of a prior violation of this act. Unless an assurance has been rescinded by agreement of the parties or voided by a court for good cause, subsequent failure to comply with the terms of an assurance shall be prima facie evidence of a violation of this act.

Sec. 12. (1) If the Attorney General receives a complaint or other information relating to noncompliance with this act by a supplier who is subject to other supervision in this state, the Attorney General shall inform the official or agency having that supervision. The Attorney General may request and receive information about such suppliers from such official or agency.

(2) The Attorney General and any other official or agency in this state having supervisory authority over a supplier shall consult and assist each other in maintaining compliance with this act. Within the scope of their authority, they may jointly or separately make investigations, prosecute suits, and take other official action they consider appropriate.

Sec. 13. (1) Whether he seeks or is entitled to damages or has an adequate remedy at law, a consumer may bring an action to (a) obtain a declaratory judgment that an act or practice violates this act, or (b) enjoin, in accordance with the principles of equity, a supplier who has violated, is violating, or is otherwise likely to violate this act.

(2) A consumer who suffers loss as a result of a violation of this act shall, upon a judgment thereon in his favor, recover actual damages or liquidated damages in an amount which bears a reasonable relation to the actual damages which have been sustained and which damages are not susceptible of measurement by ordinary pecuniary standards, in addition to the costs of the action and reasonable attorney's fee.

(3) A final judgment in favor of the state under the provi-

sions of section 11 of this act shall be admissible as prima facie evidence of the facts upon which it is based in later proceedings under this section against the same defendant or a person in privity with him. For the purposes of this subsection final judgment shall not mean a consent of judgment.

(4) When a judgment under this section becomes final, the clerk of the court shall mail a copy to the Attorney General for inclusion in the public file maintained pursuant to the provisions of section 8 of this act.

(5) An action under this section shall be brought within four years after the occurrence of a violation of this act. When a supplier sues a consumer, the consumer may assert as a counterclaim or otherwise any claim under this act arising out of the transaction on which suit is brought by the supplier.

Sec. 14. Any person who violates the terms of an injunction or declaratory judgment of the court or the terms of a written assurance of voluntary compliance entered into pursuant to this act shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not more than ten thousand dollars or by imprisonment in the Nebraska Penal and Correctional Complex for not more than five years, or by both such fine and imprisonment.

Sec. 15. Nothing in this act shall be construed to create a right of action against any of the media with regard to advertising by parties offering services or commodities in a manner inconsistent with the provisions of this act. The Attorney General shall seek compliance to the terms of this act solely from the party offering the goods and services and he shall not place any enforcement responsibility or liability on any media for accepting or printing paid advertising.

Sec. 16. (1) This act shall not apply to:

(a) An act or practice required or specifically permitted by or under federal law, or by state law;

(b) A publisher, broadcaster, printer, or other person engaged in the dissemination of information or the reproduction of printed or pictorial matter insofar as the information or matter has been disseminated or reproduced on behalf of others;

(c) A claim for personal injury or death or a claim for damage to property other than the property that is the subject of the consumer transaction;

(d) Actions or transactions otherwise permitted, prohibited, or regulated under laws administered by the Director of Insurance or the Public Service Commission;

(e) Any actions or transactions on the part of any public power and irrigation district, public power district, electric membership association, or cooperative or municipality engaged in furnishing electrical service to customers at retail or wholesale, if otherwise permitted by law; or

(f) The credit terms of a transaction otherwise subject to the provisions of this act.

(2) A person alleged to have violated this act has the burden of showing the applicability of this section.

Sec. 17. Any statute or rule of law restricting admissibility of parol evidence shall be inoperative to exclude or limit the

admissibility of evidence of an act or practice in violation of this act.

Sec. 18. The remedies of this act shall be in addition to remedies otherwise available for the same conduct under state or local law.

Sec. 19. This act may be cited as the Nebraska Consumer Sales Practices Act.

Sec. 20. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 21. This act shall become operative on January 1, 1975.

Sec. 22. That Chapter 87, article 3, Reissue Revised Statutes of Nebraska, 1943, is repealed."

SPEAKER PROUD PRESIDING

Mr. Murphy moved to substitute his pending amendment, found in the Journal on page 626 for the Twenty-eighth Day, for the Waldron amendment.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 13 nays and 19 not voting.

Mr. Syas requested a record vote on the Murphy amendment.

Voting in the affirmative, 23:

Barnett	DeCamp	Dickinson	Epke	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Moylan	Murphy	Nore
Proud	Rasmussen	Richendifer	Snyder	Stromer
Stull	Warner	Whitney		

Voting in the negative, 16:

Anderson	Carpenter	F. Carstens	Cavanaugh	Chambers
Fellman	Fowler	F. Lewis	Mahoney	Marsh
Marvel	Savage	Skarda	Stahmer	Syas
Waldron				

Not voting, 10:

Burbach	C. Carsten	Clark	Duis	Johnson
Luedtke	Maresh	Schmit	Simpson	Wiltse

The Murphy amendment was adopted with 23 ayes, 16 nays and 10 not voting.

Mr. Waldron asked unanimous consent to add Mr. Murphy's name to LB 327 and delete his name. No objections. So ordered.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 7 nays and 21 not voting.

PRESIDENT MARSH PRESIDING

Mr. Proud moved to indefinitely postpone LB 327. The motion lost with 11 ayes, 25 nays and 13 not voting.

Mrs. Marsh asked unanimous consent to bracket LB 327. Mr. Murphy objected.

Mrs. Marsh moved to bracket LB 327.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 19:

Anderson	Barnett	Carpenter	Cavanaugh	Chambers
Fellman	Fowler	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Simpson	Skarda
Stahmer	Stull	Syas	Waldron	

Voting in the negative, 25:

Burbach	C. Carsten	Clark	Dickinson	Duis
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	R. Lewis	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Snyder	Stromer	Warner	Whitney

Not voting, 5:

F. Carstens	DeCamp	Epke	Kremer	Wiltse
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The motion to bracket lost with 19 ayes, 25 nays and 5 not voting.

Advanced to E & R for Review with 27 ayes, 20 nays and 2 not voting.

MESSAGE FROM THE GOVERNOR

February 13, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 680, 986, and 987. These bills were signed by me on February 13, 1974 and delivered to the Secretary of State.

JJE:fw
 Very truly yours,
 (Signed) J. James Exon, Governor

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 692. Placed on General File.
LEGISLATIVE BILL 937. Placed on General File.
LEGISLATIVE BILL 978. Placed on General File.
LEGISLATIVE BILL 981. Placed on General File.
LEGISLATIVE BILL 982. Placed on General File.

(Signed) J. James Waldron, Chairman

Public Works

LEGISLATIVE BILL 605. Indefinitely postponed.
LEGISLATIVE BILL 886. Placed on General File.
LEGISLATIVE BILL 893. Placed on General File.
LEGISLATIVE BILL 920. Placed on General File.
LEGISLATIVE BILL 974. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

Education

LEGISLATIVE BILL 813. Placed on General File as amended.
 Standing Committee amendments to LB 813:

1. On page 3 line 14 strike "Eastern Nebraska" and insert "~~Eastern Nebraska~~ Metropolitan".
2. On page 4 strike lines 17 to 27 and on page 5 strike lines 1 to 13 and show the old matter as stricken.
3. Add two new sections to be known as sections 3 and 4 and to read as follows:

"Sec. 3. Within thirty days after the effective date of this act, the Governor shall appoint a new area board for the Metropolitan Technical Community College Area, which appointment shall be made so as to guarantee equal representation for all of the people in such area, but members now serving on such area board may be appointed to the new area board if such area will be provided with adequate representation. The present members of the former area boards of the Eastern Nebraska Technical Community College Area, and of the Omaha Nebraska Technical Community College Area shall serve until their successors are appointed by the Governor.

- 11 The members of the new Metropolitan Technical Community College
- 12 Area board appointed by the Governor shall serve until their suc-
- 13 cessors are elected and qualified at the first state general
- 14 election after the establishment of their area. Successor board
- 15 members shall be elected as provided in section 79-2620. Each
- 16 area board member of such area shall be a resident and qualified
- 17 elector of such area. The area board of the Metropolitan Technical
- 18 Community College Area shall provide services and facilities in
- 19 its area so that its programs are reasonably accessible and
- 20 available to all parts and residents of the area.

- Sec. 4. Upon the effective date of this act, the assets,
- 2 programs, liabilities and personnel of Omaha Nebraska Technical
- 3 Community College Area and the Eastern Nebraska Technical Community
- 4 College Area shall be transferred to and assumed by the Metro-
- 5 politan Technical Community College Area."

4. Renumber original section 3 as section 5.

5. Add a new section to be known as section 6 and to read as follows:

- "Sec. 6. Since an emergency exists, this act shall be in full
- 2 force and take effect, from and after its passage and approval,
 - 3 according to law."

LEGISLATIVE BILL 852. Placed on General File as amended.
Standing Committee amendments to LB 852:

1. On page 2, add a new section to be known as section 1 and to read as follows:

"Section 1. That original section 11-119, Revised Statutes Supplement, 1973, be amended to read as follows:

11-119. The following named officers shall execute a bond with penalties of the following amounts:

- (1) The Governor, fifty thousand dollars;
- (2) The Lieutenant Governor, fifty thousand dollars;
- (3) The Auditor of Public Accounts, fifty thousand dollars;
- (4) The Secretary of State, fifty thousand dollars;
- (5) The Attorney General, fifty thousand dollars;
- (6) The State Treasurer, not less than six hundred thousand dollars, and not more than double the amount of money that may come into his hands, to be fixed by the Governor;
- (7) The Commissioner of Education, fifty thousand dollars;
- (8) The secretary of the Game and Parks Commission, fifty thousand dollars;
- (9) The head of each executive state department, fifty thousand dollars, except the Director of Administrative Services which shall be one million dollars;
- (10) Each county attorney, in a sum not less than one thousand dollars, to be fixed by the county board;
- (11) Each clerk of the district court, not less than five thousand dollars, nor more than one hundred thousand dollars, to be determined by the county board;
- (12) Each county clerk, not less than one thousand dollars, nor more than one hundred thousand dollars, to be determined by the county board;
- (13) Each county treasurer, not less than ten thousand dollars,

and not more than the amount of money that may come into his hands, to be determined by the county board;

(14) Each county judge, five thousand dollars;

(15) Each sheriff, in counties of not more than twenty thousand inhabitants, five thousand dollars; over twenty thousand inhabitants, ten thousand dollars;

(16) Each county superintendent of public instruction or district superintendent of public instruction, one thousand dollars;

(17) Each county surveyor, five hundred dollars;

(18) Each county commissioner or supervisor, in counties of not more than twenty thousand inhabitants, one thousand dollars; over twenty thousand and not more than thirty thousand inhabitants, two thousand dollars; over thirty thousand and not more than fifty thousand inhabitants, three thousand dollars; over fifty thousand inhabitants, five thousand dollars;

(19) Each register of deeds in counties having a population of more than sixteen thousand five hundred inhabitants, not less than two thousand dollars nor more than one hundred thousand dollars to be determined by the county board;

(20) Each constable, three hundred dollars;

(21) Each township clerk, two hundred fifty dollars;

(22) Each township treasurer, two thousand dollars;

(23) Each county assessor, not more than five thousand dollars and not less than two thousand dollars;

(24) Each school district treasurer, not less than five hundred dollars, nor less than double the amount of money that may come into his hands, the amount to be fixed by the president and secretary of the district;

(25) Each road overseer, two hundred fifty dollars; ~~and~~

(26) Each member of a county weed district board, and the manager thereof, such amount as may be determined by the county board of commissioners or supervisors of each county, with the same amount to apply to each member of any particular board; and

(27) Each technical community college area treasurer not less than five hundred dollars nor less than double the amount of money that may come into his hands, the amount to be fixed by the president and secretary of the area board."

2. Renumber sections 1 to 6 as section 2 to 7, respectively.

3. On page 10, line 20 strike "section" and insert "sections 11-119 and".

(Signed) Jerome Warner, Chairman

Judiciary

LEGISLATIVE BILL 617. Indefinitely postponed.

LEGISLATIVE BILL 782. Placed on General File as amended.
Standing Committee amendments to LB 782:

1. Add four new sections to read:

"Sec. 5. To aid the county board of corrections in accomplishing the purposes of this act, there is hereby established the division of corrections under the

jurisdiction of the board. The division shall consist of a director of corrections, who shall be qualified by education, training, and experience to perform the duties of such position and such other personnel as the board shall appoint. Any member of the classified service of the sheriff's office may transfer into the division of corrections with no break in continuous service or benefits to which he might have been entitled on the effective date of this act, and any person who has so transferred may retransfer to the sheriff's office as normal attrition in such office permits with no continuous service or benefits which he may have earned while assigned to the division of corrections.

Sec. 6. That section 23-1723, Revised Statutes Supplement, 1973, be amended to read as follows:

23-1723. The sheriff's office merit commission shall consist of ~~three~~ five members. One member shall be a duly elected county official, appointed by the board of county commissioners. One member shall be a deputy sheriff, elected by the deputy sheriffs and one shall be a member of the division of corrections, elected by the members of the division. ~~The third member.~~ Two members shall be selected by the presiding judge of the judicial district encompassing such county and shall be a public ~~representative who is a resident~~ representatives who are residents of the county and neither an official nor employee of the county. The terms of office of members initially appointed or elected shall expire on January 1 of the first, second and third years following their appointment or election, as designated by the board of county commissioners. As the terms of initial members expire, their successors shall be appointed or elected for three-year terms in the same manner as the initial members. The additional public representative provided for in this section shall serve until January 1, 1977 and the member from the division of corrections shall serve until January 1, 1978, and thereafter their successors shall be appointed or elected for three-year terms. Any vacancy shall be filled by appointment or election in the same manner as appointment or election of initial members. The commission shall have the power to declare vacant the position of any member who no longer meets the qualifications for election or appointment set out in this section.

Sec. 7. This act shall become operative on January 1, 1975.

Sec. 8. That original section 23-1723, Revised Statutes Supplement, 1973, is repealed.”.

LEGISLATIVE BILL 785. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
1036	General File	1039	General File
1037	Agric. & Env.	1040	Judiciary
1038	General File	1041	Cons. Rev. & Rec.

(Signed) Terry Carpenter, Chairman

**NOTICE OF COMMITTEE HEARING
Constitutional Revision and Recreation**

LB 1041 Thursday, February 21, 1974

2:00 p.m.

(Signed) George Syas, Chairman

MOTION—Suspend Rules

Mr. Duis moved to suspend the rules and to consider LB 1034 on General File. The motion prevailed with 30 ayes, 2 nays and 17 not voting.

GENERAL FILE

LEGISLATIVE BILL 1034. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 3 nays and 16 not voting.

Mr. Duis asked unanimous consent to expedite LB 1034. No objections. So ordered.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules to consider LB 1036 on General File. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

GENERAL FILE

LEGISLATIVE BILL 1036. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

Mr. Syas asked unanimous consent to expedite LB 1036. No objections. So ordered.

ANNOUNCEMENT

Mr. Carpenter announced an Executive Board meeting, Friday, February 15 at 1:00 p.m. in Room 2102.

MOTION—Withdraw LB 928

Mr. Dickinson moved to withdraw LB 928.

Motion pending. Laid over.

MOTION—Suspend Rules

Mr. Luedtke moved to suspend the rules to set LB 1028 and LB 1040 for public hearing, Monday, February 18. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

NOTICE OF COMMITTEE HEARINGS**Judiciary**

LB 1028	Monday, February 18, 1974	2:00 p.m.
LB 1040	Monday, February 18, 1974	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

VISITORS

Speaker Proud introduced the A. Wayne Howard family (Wayne, Judy, Craig and Christie), Farmers Home Administration Family of the year.

President Marsh introduced Ray R. Soden, Commander-in-Chief, Veterans of Foreign Wars of the United States, Bensonville, Illinois; James C. Kanaley, State Commander, Veterans of Foreign Wars Department of Nebraska, Omaha, Nebraska and Condon R. King, State Adjutant-Quartermaster, Veterans of Foreign Wars Department of Nebraska, Lincoln, Nebraska.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Simpson, the Legislature adjourned until 9:00 a.m. Friday, February 15, 1974.

Vincent D. Brown
Clerk of the Legislature

THIRTIETH DAY—FEBRUARY 15, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 15, 1974

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

"Let the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our Rock and our Redeemer," . . . especially so, if this is the day when someone among us is tempted to speak words and think thoughts which are not acceptable.

How well we know that days come when even the strongest grow impatient, tired, irritable; when vindictive words seem noble, and bitter thoughts seem just, and things are done in revenge or retaliation which deny Your Living Presence among us.

"Let the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our Rock and our Redeemer." AMEN.

ROLL CALL

The roll was called and all members were present except Messrs. Fellman who was excused until 9:30 a.m., Stull who was excused and Waldron who was absent.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-ninth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. R. Lewis asked unanimous consent to be excused Monday, February 18. No objections. So ordered.

Mr. F. Carstens asked unanimous consent to be excused at 10:45 a.m. this morning and all day Tuesday, February 19. No objections. So ordered.

Mr. Dickinson asked unanimous consent to be excused at 11:00 a.m. for the remainder of the day. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 513. Replaced on Select File as amended.

E & R amendments to LB 513:

1. In the Goodrich amendment 2, line 4 strike the period.

2. In the title, as amended, line 6, insert "to provide for assistance with medications as prescribed; to provide for interpretation;" after the semicolon.

LEGISLATIVE BILL 652. Replaced on Select File as amended.

E & R amendment to LB 652:

1. In lieu of the Murphy amendment, strike the E & R amendment adopted 2/8/74.

LEGISLATIVE BILL 1034. Placed on Select File as amended.

E & R amendment to LB 1034:

1. On page 3, strike lines 12 to 15 and insert:
"Constitutional amendment to delete as obsolete language referring to submission by the two-house Legislature of certain orders, resolutions, or votes of the Legislature to the Governor."

LEGISLATIVE BILL 1036. Placed on Select File.

(Signed) John J. Cavanaugh, Chairman

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 14, 1974. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Noren, Charles F. - Lincoln, Committee for State Office Building
Omaha

Tews David D. - Lincoln, Committee for State Office Building Omaha

COMMUNICATIONS

February 14, 1974

Mr. Vincent D. Brown
Executive Director
Legislative Council
Room 2018
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

We are enclosing a report on our Advertising Control Program for 1973 for submittal to the Legislature, pursuant to Section 39-1320.01.

Sincerely,
DEPARTMENT OF ROADS

(Signed) Thomas D. Doyle
Director-State Engineer

TDD/jp
Enclosures

ADVERTISING CONTROL DATA FOR 1973

The number of signs removed in calendar year 1973 includes signs purchased in Right of Way projects, three nominal value pilot projects, abandoned and illegal signs. 3,116

Total cost of the above signs. \$298,668.97

This figure includes appraisals, review appraisals, negotiations, sign removals, equipment, supplies, overhead, etc. In addition are payments to the sign owner and site owner where applicable.

The State is obligated to pay \$46,000.00 for 1,429 signs which have already been removed. This amount will be paid after final verification and review.

The estimated total expenditure for the sign removal program in calendar year 1974 is \$650,000.00 providing Federal and State funds are available.

The estimated allocation is shown below:

1. Purchase and removal of approximately 680 signs from eight sign companies in accordance with our priority list. \$600,000.00

2. Purchase and removal of additional signs affected by
Right of Way projects. \$ 50,000.00

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 755. Indefinitely postponed.
LEGISLATIVE BILL 793. Indefinitely postponed.
LEGISLATIVE BILL 952. Indefinitely postponed.
LEGISLATIVE BILL 223. Placed on General File.
LEGISLATIVE BILL 741. Placed on General File.
LEGISLATIVE BILL 750. Placed on General File.
LEGISLATIVE BILL 832. Placed on General File.
LEGISLATIVE BILL 966. Placed on General File.

(Signed) Roland Luedtke, Chairman

UNANIMOUS CONSENT—Reprint LB 354

Mr. Luedtke asked unanimous consent to have LB 354 reprinted with all amendments. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 608.

A BILL FOR AN ACT relating to cemeteries and Indian burial grounds; to amend section 23-113, Revised Statutes Supplement, 1973; to increase an authorized expenditure; to provide certain optional maintenance; to require posting; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Clark	DeCamp	Dickinson
Duis	Epke	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Chambers	Fellman	Fowler	Stull	Waldron
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 639.

A BILL FOR AN ACT to amend sections 81-8,163, 81-8,167, and 81-8,181, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to increase compensation of members of the Nebraska Collection Agency Board; to increase the investigation fee for collection businesses; to increase license and renewal fees as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mareash
Marsh	Marvel	Moylan	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Fellman	Fowler	Mahoney	Stull	Waldron
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 715.

A BILL FOR AN ACT relating to cemetery districts; to authorize a special tax and fund for acquiring cemetery property; to provide procedures; and to provide for the disposition of excess funds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Nore	Proud
Rasmussen	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 2:

F. Lewis Richendifer

Not voting, 5:

Epke Fellman Marvel Stull Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 729. With Emergency.

A BILL FOR AN ACT to amend section 62-301, Revised Statutes Supplement, 1973, relating to holidays; to provide for alternate or dual recognition of prescribed holidays; to provide construction; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Fellman Rasmussen Richendifer Stull Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 778. With Emergency.

A BILL FOR AN ACT to amend section 71-173, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of podiatry; to redefine a term; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Fellman Stull Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to pass over the introduction of any new bills this morning. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 15, 1974, at 9:15 a.m. were the following: LB 592 and LB 806.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review**Correctly Engrossed**

The following bills were correctly engrossed: 640 and 684.

Correctly Enrolled

The following bill was correctly enrolled: 762.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 762.

SELECT FILE

LEGISLATIVE BILL 613. E & R amendments found in the Journal on page 634 for the Twenty-ninth Day were adopted.

Mr. Marvel asked unanimous consent to add his name to LB 613. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 697. E & R amendments found in the Journal on page 635 for the Twenty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1034. E & R amendment found in the Journal in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1036. Advanced to E & R for Engrossment.

MOTION—Place LB 605 on General File

Mr. Duis moved to place LB 605 on General File notwithstanding the action of the Committee.

The motion prevailed with 26 ayes, 11 nays and 12 not voting.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 903. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

MOTION—Suspend Rules

Mr. Dickinson renewed his pending motion found in the Journal on page 656 to withdraw LB 928 and cancel the hearing.

The motion prevailed with 30 ayes, 1 nay and 18 not voting.

EXPLANATION OF VOTE

Had I been present I would have voted “aye” on LB 729 and LB 778.

(Signed) Richard M. Fellman

GENERAL FILE

LEGISLATIVE BILL 641. Title read. Considered.

Standing Committee amendments found in the Journal on page 409 for the Seventeenth Day were adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 756. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 888. Title read. Considered.

Standing Committee amendments found in the Journal on page 409 for the Seventeenth Day were adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 888A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 612. Title read. Considered.

Standing Committee amendments found in the Journal on page 418 for the Seventeenth Day were adopted.

Mr. Clark offered the following amendment which was adopted.

GENERAL FILE AMENDMENT TO L.B. 612

Amending the Committee Amendment found on page 418 of the Journal Sec. 4.

4. On page 3 after line 12 insert the following:

"Any person recognized as a Certified Assessment Evaluator by the International Association of Assessing Officers, a member of the Appraisal Institute by the American Institute of Real Estate Appraisers, a Senior Real Estate Analyst, an American Society Appraiser by the American Society of Appraisers, and Accredited Rural Appraiser by the American Society of Farm Managers and Rural Appraisers, or a Senior Real Property Appraiser by the Society of Real Estate Appraisers will not be required to take the examination as required in subdivision (5) of this section."

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 674. Title read. Considered.

Standing Committee amendment found in the Journal on page 418 for the Seventeenth Day was adopted.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 765. Title read. Considered.

Standing Committee amendment found in the Journal on page 419 for the Seventeenth Day was adopted.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 766. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 767. Title read. Considered.

Standing Committee amendments found in the Journal on page 419 for the Seventeenth Day were adopted.

Advanced to E & R for Review with 31 ayes, 1 nay and 17 not voting.

LEGISLATIVE BILL 675. Title read. Considered.

Standing Committee amendment found in the Journal on page 431 for the Seventeenth Day was adopted.

Advanced to E & R for Review with 27 ayes, 4 nays and 18 not voting.

LEGISLATIVE BILL 645. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 716. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 689. Title read. Considered.

Standing Committee amendment found in the Journal on page 437 for the Eighteenth Day was adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 636. Title read. Considered.

Standing Committee amendments found in the Journal on page 452 for the Eighteenth Day were adopted.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 662. Title read. Considered.

Standing Committee amendment found in the Journal on page 453 for the Eighteenth Day was adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 621. Title read. Considered.

Standing Committee amendment found in the Journal on page 437 for the Eighteenth Day was rejected.

Mr. Barnett offered the following amendment which was adopted:

On page 2 strike the new matter in lines 13 to 22 and insert:

Provided that the Disabled American Veterans organization shall have enrolled in its membership in Nebraska at least 10 per cent of those Nebraska veterans receiving service-connected compensation from the Veterans Administration.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 804. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

EASE

The Legislature was at ease from 10:47 a.m. until 10:58 a.m.

UNANIMOUS CONSENT—Print in Journal

Mr. Duis asked unanimous consent to print the following amendments to L.B 772 in the Journal. No objections. So ordered.

Amendments to LB 772

- 2 1. Strike sections 1 to 29 and insert:
- 3 "Section 1. That section 79-1334, Reissue
- 4 Revised Statutes of Nebraska, 1943, be amended to read as
- 5 follows:
- 6 79-1334. Each district shall receive financial
- 7 support from the School Foundation and Equalization Fund
- 8 as follows: ~~Seventeen dollars and fifty cents.~~
- 9 Seventy-five dollars per kindergarten pupil, ~~thirty-five~~
- 10 one hundred fifty dollars per pupil in grades one through
- 11 six, ~~forty-two~~ one hundred seventy-five dollars per pupil
- 12 in grades seven and eight, and ~~forty-nine~~ two hundred
- 13 dollars per pupil in grades nine through twelve, the
- 14 applicable sum for each category to be multiplied by the
- 15 preceding year's average daily membership of resident and
- 16 nonresident pupils in each category.
- 17 Sec. 2. That section 79-1336, Reissue Revised
- 18 Statutes of Nebraska, 1943, be amended to read as
- 19 follows:
- 20 79-1336. Subject to the conditions imposed by
- 21 sections 79-1330 to 79-1344, the School Foundation and
- 22 Equalization Fund shall be used to insure each district
- 23 the following total financial support:
- 24 (1) ~~Two hundred twenty-five~~ Three hundred
- 25 seventy-five dollars per kindergarten pupil, ~~four seven~~
- 1 hundred fifty dollars per pupil in grades one through
- 2 six, ~~five-nine~~ hundred dollars per pupil in grades seven
- 3 and eight, and ~~five hundred fifty-one thousand two~~
- 4 hundred dollars per pupil in grades nine through twelve,
- 5 the applicable sum for each category to be multiplied by
- 6 the average daily membership for the preceding year of
- 7 resident and nonresident pupils in each category; and

8 (2) When the population density in any county is
9 less than four persons per square mile, as determined
10 from the most recent federal decennial census, the total
11 financial support under subdivision (1) of this section
12 insured for each district in the county shall be
13 increased by the following percentages: (a) If the
14 population density is three or more but less than four
15 persons per square mile, ten per cent; (b) if the density
16 is two or more but less than three persons per square
17 mile, twenty per cent; (c) if the density is one or more
18 but less than two persons per square mile, thirty per
19 cent; and (d) if the density is less than one person per
20 square mile, forty per cent; Provided, any school
21 district within a qualifying county showing a density
22 greater than provided in this subdivision shall not
23 qualify for such percentage increases.

24 Sec 3. (1) It is the intent of the Legislature
25 that there be appropriated fifty-five million dollars for
26 the 1974-75 school year. Ten million dollars of such
27 appropriation shall be distributed such that every
1 district in the state received the same amount of funds
2 per unit of average daily membership as every other
3 district, which distribution shall be based upon average
4 daily membership as defined by the State Department of
5 Education. The remaining forty-five million dollars
6 shall be distributed under the provisions of sections
7 79-1330 to 79-1344.

8 (2) For school year 1975 to 1976, it is the
9 intent of the Legislature that there be appropriated one
10 hundred twenty million dollars.

11 (3) For school year 1976 to 1977 and all
12 subsequent school years, the appropriation shall be
13 increased seven per cent over the appropriation for the
14 preceding year.

15 Sec. 4. Sections 1 and 2 of this act shall be
16 considered as express obligations of the State of
17 Nebraska for the purposes of setting tax rates as
18 provided in section 77-2715.01, Revised Statutes
19 Supplement, 1973.

20 Sec. 5. This act shall become operative on the
21 effective date of this act except that sections 1, 2, and
22 6 of this act shall become operative on September 1,
23 1975.

24 Sec. 6. That original sections 79-1334 and
25 79-1336, Reissue Revised Statutes of Nebraska, 1943, are
26 repealed.”.

1 2. In the title, strike lines 2 to 16 and

2 insert:

3 “FOR AN ACT relating to schools; to amend sections

4 79-1334 and 79-1336, Reissue Revised Statutes

5 of Nebraska, 1943; to change amounts of

6 financial support; to state legislative

- 7 intent; to provide for construction; to
- 8 provide an operative date; and to repeal the
- 9 original sections."

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 1037 Friday, February 22, 1974

2:00

(Signed) Loran Schmit, Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 731. Placed on General File.

LEGISLATIVE BILL 814. Placed on General File as amended.
Standing Committee amendments to LB 814:

1. On page 2, line 24 after "of" insert "criminal"; in lines 24 and 25 reinstate the stricken matter; in lines 25 to 27 strike the new matter.

2. On page 3 after line 2 insert a new section as follows:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

LEGISLATIVE BILL 1015. Placed on General File as amended.
Standing Committee amendments to LB 1015:

1. On page 6, line 14 strike "shall" and insert "may".
2. On page 10, line 12 strike "shall" and insert "may".

(Signed) Roland A. Luedtke, Chairman

Public Works

LEGISLATIVE BILL 921. Placed on General File as amended.
Standing Committee amendments to LB 921:

1. Add a new section to be known as section 3 and to read as follows:

"Sec. 3. That section 39-723.06, Revised Statutes Supplement, 1973, be amended to read as follows:

39-723.06. Any person operating any motor vehicle, freight-carrying vehicle, bus, truck, truck-tractor, or trailer, where the weight of the vehicle and load is in violation of the provisions of section 39-722, and the tolerance permitted by subdivision (1) or (2) of section 39-723.03, and when the vehicle and load does not qualify for the exceptions permitted by section 39-723.07, shall be guilty of a misdemeanor, or misdemeanors,

and shall, upon conviction thereof, be fined (1) not less than fifty dollars nor more than one hundred dollars for carrying a load of ten per cent or less over the maximum, (2) not less than one hundred dollars nor more than two hundred dollars for carrying a load of more than ten per cent but not more than twenty per cent over the maximum, (3) not less than two hundred dollars nor more than three hundred dollars for carrying a load of more than twenty per cent but not more than thirty per cent over the maximum, (4) not less than three hundred dollars nor more than four hundred dollars for carrying a load of more than thirty per cent but not more than forty per cent over the maximum, (5) not less than four hundred dollars nor more than five hundred dollars for carrying a load of more than forty per cent but not more than fifty per cent over the maximum, and (6) five hundred dollars for carrying a load of more than fifty per cent over the maximum. twenty-five dollars for carrying a gross load of five per cent or less over the maximum, (2) one hundred dollars for carrying a gross load of more than five per cent but not more than ten per cent over the maximum, (3) two hundred dollars for carrying a gross load of more than ten per cent but not more than fifteen per cent over the maximum, (4) three hundred fifty dollars for carrying a gross load of more than fifteen per cent but not more than twenty per cent over the maximum, (5) six hundred dollars for carrying a gross load of more than twenty per cent but not more than twenty-five per cent over the maximum, (6) one thousand dollars for carrying a gross load of more than twenty-five per cent over the maximum, (7) twenty-five dollars for carrying a load on a single axle or a group of axles of five per cent or less over the maximum, (8) seventy-five dollars for carrying a load on a single axle or a group of axles of more than five per cent but not more than ten per cent over the maximum, (9) one hundred fifty dollars for carrying a load on a single axle or a group of axles of more than ten per cent but not more than fifteen per cent over the maximum, (10) two hundred twenty-five dollars for carrying a load on a single axle or a group of axles of more than fifteen per cent but not more than twenty per cent over the maximum, (11) three hundred dollars for carrying a load of more than twenty per cent and not more than twenty-five per cent on a single axle or a group of axles over the maximum, and (12) five hundred dollars for carrying a load of more than twenty-five per cent on a single axle or a group of axles over the maximum; Provided, that no person shall be guilty of multiple offenses when the violations (a) involve the excess weight of an axle or a group of axles and the excess weight of the gross load of a single vehicle or (b) occur on the National System of Interstate and Defense Highways."

2. Renumber original sections 3 and 4 as sections 4 and 5, respectively.

3. On page 6, line 23, insert "39-723.06," before "and".

(Signed) Maurice A. Kremer, Chairman

MOTION—Place Bills on General File

Mr. DeCamp moved that LB 971 be placed on General File notwithstanding the action of the committee. Motion pending. Laid over.

Mr. F. Carstens moved to place LB 755 on General File notwithstanding the action of the committee. Motion pending. Laid over.

UNANIMOUS CONSENT—LB 597

Mr. F. Lewis asked unanimous consent to bracket LB 597 on General File for Monday, February 18. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 712. Title read. Considered.

Standing Committee amendments found in the Journal on page 464 for the Nineteenth day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 912. Title read. Considered.

Standing Committee amendment found in the Journal on page 465 for the Nineteenth Day was adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 944. Title read. Considered

Standing Committee amendment found in the Journal on page 466 for the Nineteenth Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 954. Title read. Considered.

Standing Committee amendment found in the Journal on page 479 for the Twentieth Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 647. Title read. Considered.

Mr. Carpenter offered the following amendments:

1. Strike original section 1 and 2 and insert the following:

"Section 1. The Supreme Court shall, by rule, provide for the recording and preservation of evidence in all cases in the district and separate juvenile courts, and for the preparation of transcripts and bills of exception. Court reporters and other persons employed to perform the duties required by such rules shall be appointed by the judge under whose direction they work. The Supreme Court shall prescribe uniform salary schedules for such employees, based on their experience and training and the methods used by them in recording and preserving evidence and preparing transcripts and bills of exception. Salaries and actual and necessary expenses of such employees shall be paid by the State of Nebraska from funds appropriated to the Supreme Court.

Sec. 2. That section 24-342, Revised Statutes Supplement, 1973, be amended to read as follows:

24-342. ~~It shall be the duty of such reporter to furnish on~~
On the application of the county attorney, or any party to a suit in which a ~~stenographic report~~ record of the proceedings has been made, upon receipt of ~~notice from the clerk of the district court~~ the writ of error as provided in section 29-2526, or upon the filing of a praecipe for a bill of exceptions by an appealing party in the office of the clerk of the district court as provided in section 25-1140, a transcribed copy of the proceedings so recorded, or any part thereof, shall be prepared. The reporter shall be entitled to receive, in addition to his salary, a fee of forty-five cents per hundred words, to be paid by the party requesting the same; except (1) where such copy is required by the county attorney, ~~his the~~ fee therefor shall be paid by the county in the same manner as other claims are paid, (2) where the defendant in a criminal case, after conviction, shall make an affidavit that he is unable by reason of his poverty to pay for such copy, the court or judge thereof may, by order endorsed on such affidavit, ~~direct the reporter to deliver~~ delivery of such transcribed copy to such defendant, and ~~his the~~ fee therefor shall be paid by the county in the same manner as other claims are allowed and paid, or (3) when such copy is prepared in any criminal case in which the sentence adjudged is capital ~~his the~~ fees therefor shall be paid by the county in the same manner as other claims are allowed or paid. The procedure for preparation, settlement, signature, allowance, certification filing, and amendment of a bill of exceptions shall be regulated and governed by rules of practice prescribed by the Supreme Court. The fee paid shall be taxed, by the clerk of the district court to the party against whom the judgment or decree is rendered, except as otherwise ordered by the presiding judge.

Sec. 3. That section 24-342.01, Revised Statutes Supplement, 1972, be amended to read as follows:

24-342.01. ~~The court reporter~~ Supreme Court shall preserve
provide by rule for the preservation of all records and of all exhibits offered or received in evidence in the trial of any action, except as it shall become necessary to include them in bills of exceptions being prepared in connection with appeals to the Nebraska Supreme Court. When the records of the district court do not show any unfinished matter pending in the action, a judge of the district court if satisfied they are no longer valuable for any purpose may, upon such notice as the judge may direct, order the destruction, return, or other disposition of such exhibits as he deems appropriate when approval is given by the State Records Board pursuant to sections 84-1201 to 84-1220.

Sec. 4. This act shall become operative on July 1, 1974.

Sec. 5. That original sections 24-342.01, Revised Statutes Supplement, 1972, and 24-342, Revised Statutes Supplement, 1973, and also sections 24-338, 24-339.05, 24-340, 24-343, and 24-344, Reissue Revised Statutes of Nebraska, 1943, and sections 24-339, 24-339.01, and 24-341, Revised Statutes Supplement, 1972, are repealed."

2. Renumber original section 3 as section 6.

Amendment pending. Laid over.

LEGISLATIVE BILL 732. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 813. Title read. Considered

Standing Committee amendments found in the Journal on page 651 for the Twenty-ninth Day were adopted.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 925. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 925A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 604. Title read. Considered

Mr. Duis offered the following amendment which was adopted:

1. On page 2, line 4 strike "later" and insert "sooner"; and after "1975," insert "nor later than August 31, 1975,".

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

Mr. Savage asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 811. Title read. Considered.

Mr. Chambers asked unanimous consent to reject his amendments referred to in the Journal on page 408 for the Seventeenth Day. No objections. So ordered.

The Standing Committee amendments referred to in the Journal on page 532 for the Twenty-fourth Day were adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 779. Title read. Considered.

Standing Committee amendments found in the Journal on page 527 for the Twenty-third Day were adopted.

Advanced to E & R for Review with 27 ayes, 4 nays and 18 not voting.

LEGISLATIVE BILL 790. Title read. Considered.

Standing Committee amendments found in the Journal on page 589 for the Twenty-sixth Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 721. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. F. Lewis asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

Insert line 12 page 4: Because of the members of the Legislature's and the Governor's lack of confidence in local elected public school officials,

ATTORNEY GENERAL'S OPINION

Opinion No. 141
February 7, 1974

Dear Senator Skarda:

You have requested our opinion as to whether it is legal for the County Highway Department to remove snow from streets in a Sanitary and Improvement District.

In a May 14, 1963 opinion, a copy of which is enclosed, this office expressed the view that repair and maintenance of streets and roads within a Sanitary and Improvement District is the responsibility of the District. We believe the same reasoning would be applicable to snow removal.

Accordingly, it is our opinion that the District, rather than the County, is responsible for snow removal.

Very truly yours
CLARENCE A. H. MEYER
Attorney General

(Signed) C. C. Sheldon

Assistant Attorney General

CCS:smh

enc.

cc: Mr. Vincent Brown

VISITORS

President Marsh introduced Mr. William Galbraith, Midwestern Representative for Secretary of Agriculture; 33 Ninth grade students and their teachers from Milford and Jean Marsh, star of Masterpiece Theater, "Upstairs, Downstairs" series.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 10:00 a.m., Monday, February 18, 1974.

Vincent D. Brown

Clerk of the Legislature

THIRTY-FIRST DAY—FEBRUARY 18, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 18, 1974

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

O Lord our God, as in the beginning Thou didst create parts of the universe, may this legislature see the significance of new beginnings. May we ever be knowledgeable about past issues, but ever seeking to be responsive to new views and make the right evaluation of them. Wilt Thou give to each of these lawmakers a disturbing, yet deep, sense of this sacred trust. While visibly debating with each other, may there ever be the larger view of the thousands in our state whose earthly destiny, in large degree, depends upon what takes place in this chamber. So may our integrity be deepened and our mental and spiritual vision be widened. We pray in our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. R. Lewis and Stahmer who were excused and Mr. DeCamp who was excused until he arrived.

CORRECTIONS FOR THE JOURNAL

Page 657, line 21, correct spelling of "retaliation".
The Journal for the Thirtieth Day was approved as corrected.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 837. Indefinitely postponed.

LEGISLATIVE BILL 1011. Placed on General File.

LEGISLATIVE BILL 1013. Placed on General File.

LEGISLATIVE BILL 1014. Placed on General File.

(Signed) Fred W. Carstens, Chairman

Urban Affairs

LEGISLATIVE BILL 629. Placed on General File as amended.

Standing Committee amendments to LB 629:

1. On page 2, line 1 insert a new section 1 as follows:

"That section 31-740, Revised Statutes Supplement, 1973,

2 be amended to read as follows:

3 31-740. The board of trustees of any district organized
4 under sections 31-727 to 31-762 shall have power to provide for
5 establishing, maintaining, and constructing electric service lines
6 and conduits, water mains, sewers, and disposal plants, and
7 disposing of drainage, waste, and sewage of such district in
8 a satisfactory manner; for establishing, maintaining, and con-
9 structing sidewalks, public roads, streets, and highways, including
10 the grading, changing grade, paving, repaving, graveling, re-
11 graveling, widening or narrowing roads, resurfacing or relaying
12 existing pavement, or otherwise improving any road, street, or
13 highway within the district; for establishing, maintaining and
14 constructing public waterways, docks or wharfs, and related
15 appurtenances, for constructing and contracting for the construction
16 of dikes and levees for flood protection for the district; and
17 may contract for electricity for street lighting for the public
18 streets and highways within the district, and shall have power to
19 provide for acquisition, improvement, maintenance and operation
20 of public parks, playgrounds and recreational facilities; Provided,
21 that power to construct clubhouses and similar facilities for the
22 giving of private parties within the zoning jurisdiction of any
23 city or village is not included in the powers herein granted. Any
24 sewer system established shall be approved by the Department of
25 Health. Prior to the installation of any of the improvements
26 provided for in this section, the plans for such improvements, other
27 than for public parks, playgrounds and recreational facilities,
28 shall be approved by the public works department of any municipality
29 when such improvements or any part thereof are within the area of
30 the zoning jurisdiction of such municipality; Provided, that if such
31 improvements are without the area of the zoning jurisdiction of
32 any municipality, plans for such improvements shall be approved
33 by the county board when such improvements are located, and plans
34 and exact costs for public parks, playgrounds and recreational
35 facilities shall be approved by resolution of the governing body
36 of such municipality. Such approval shall relate to conformity
37 with the master plan and the construction specifications and

standards theretofore established by such municipality; Provided,
where no master plan and construction specifications and standards
have been established such approval shall not be required. In
cases where such improvements are within the area of the zoning
jurisdiction of more than one municipality, then such approval
shall be required only from the most populous municipality, except
that where such improvements are furnished to the district by
contract with a particular municipality, the necessary approval may
in all cases be given by such municipality. The municipality or
county shall be required to approve plans for such improvements
and shall enforce compliance with the such plans by action in
equity. The district may construct its sewage disposal plant and
other sewerage or water improvements, or both, in whole or in
part, inside or outside the boundaries of the district and may
contract with corporations or municipalities for disposal of
sewage and use of existing sewerage improvements, and for a supply
of water for fire protection and for resale to residents of the
district. It may also contract with any corporation or municipality
for the installation, maintenance, and cost of operating a system
of street lighting upon the public streets and highways within the
district or for installation, maintenance and operation of a water
system or for the installation, maintenance and operation of electric
service lines and conduits and to provide water service for fire
protection and use by the residents of the district.

Each sanitary and improvement district shall have the books of
account, kept by the board of trustees of the district, examined
and audited by a certified public accountant or a public account-
ant for the year ending June 30 and file a copy of the audit with
the office of the Auditor of Public Accounts by December 31 of
the same year; Provided, that such audits may be waived by the Auditor
of Public Accounts upon proper showing by the district that the
audit is unnecessary. Such examination and audit shall show (1)
the gross income of the district from all sources for the previous
year; (2) the amount spent for sewage disposal; (3) the amount
expended on water mains; (4) the gross amount of sewage processed
in said district; (5) the cost per thousand gallons of processing
sewage; (6) the amount expended each year for (a) maintenance and
repairs, (b) new equipment, (c) new construction work, and (d) prop-
erty purchased; (7) a detailed statement of all items of expense;
(8) the number of employees; (9) the salaries and fees paid em-
ployees; (10) total amount of taxes levied upon the property
within the district; and (11) all other facts necessary to give
an accurate and comprehensive view of the cost of carrying on the
activities and work of such sanitary and improvement district.

The reports of all audits herein provided for shall be and remain
a part of the public records in the office of the Auditor of Public
Accounts. The expense of such audits shall be paid out of the
funds of the district. The Auditor of Public Accounts shall be
given access to all books and papers, contracts, minutes, bonds
and other documents and memoranda of every kind and character
of such district and be furnished all additional information possessed
by any present or past officer or employee of any such district, or
by any other person, that is essential to the making of a compre-

91 hensive and correct audit.

92 Should any sanitary and improvement district fail to refuse
93 to cause such annual audit to be made of all of its functions, activ-
94 ities and transactions for the fiscal year within a period of six
95 months following the close of such fiscal year, unless such audit
96 has been waived, the Auditor of Public Accounts shall, after due
97 notice and a hearing to show cause by such district, appoint a
98 certified public accountant or public accountant to conduct the
99 annual audit of the district and the fee for such audit shall
100 become a lien against the district.

101 Whenever the sanitary sewer system or any part thereof of a
102 sanitary and improvement district is directly or indirectly connected
103 to the sewerage system of a metropolitan city, such city, without
104 enacting an ordinance or adopting any resolution for such purpose,
105 may collect such city's applicable rental or use charge from the
106 users in the sanitary and improvement district and from the owners
107 of the property served within the sanitary and improvement district.
108 The charges of such city shall be charged to each property served
109 by the city sewerage system, shall be a lien upon the property
110 served, and may be collected from the owner or the person, firm or
111 corporation using the service. If the city's applicable rental
112 or service charge is not paid when due, such sum may be recovered by
113 the municipality in a civil action, or it may be assessed against the
114 premises served in the same manner as special taxes or assessments
115 are assessed by such city of the metropolitan class, and collected
116 and returned in the same manner as other municipal special taxes
117 or assessments are enforced and collected. When any such tax or
118 assessment is levied it shall be the duty of the city clerk to
119 deliver a certified copy of the ordinance to the county treasurer
120 of the county in which the premises assessed are located and such
121 county treasurer shall collect the same as provided by law and
122 return the same to the city treasurer of the metropolitan city.
123 Funds of such city raised from such charges of the metropolitan
124 city shall be used by it in accordance with laws applicable to
125 its sewer service rental or charges. The governing body of a city
126 of the metropolitan class may make all necessary rules and regu-
127 lations governing the direct or indirect use of its sewerage system
128 by any user and premises within any sanitary and improvement district
129 and may establish just and equitable rates or charges to be paid
130 to such city of the metropolitan class for use of any of its disposal
131 plants and sewerage system.

2. On page 3 after line 18 insert the following

"Sec. 7. That original section 31-740, Revised Statutes
Supplement, 1973, is repealed.

3. Renumber original sections 1 to 5 as sections 2 to 6 re-
spectively.

LEGISLATIVE BILL 631. Placed on General File as amended.
Standing Committee amendments to LB 631:

1. On page 2, line 2 after "may" strike "make contributions";
and insert "enter into agreements,".

2. On page 2, lines 5 and 6 strike "within the corporate
limits".

3. On page 2, line 6 strike "sixty-five" and insert "sixty" and after "older" insert "or handicapped persons,"

4. On page 2, line 7 after the period insert:
"The non-profit corporation receiving contributions shall not charge in excess of ten cents per person as defined in this section,".

5. On page 2, add a new section 2 as follows:
"Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

LEGISLATIVE BILL 681. Placed on General File as amended.
Standing Committee amendment to LB 681:

1. On page 3, line 13 strike "not" and insert "who is a guest of".

LEGISLATIVE BILL 1024. Placed on General File.

LEGISLATIVE BILL 1025. Placed on General File.

LEGISLATIVE BILL 1026. Placed on General File.

LEGISLATIVE BILL 1027. Placed on General File.

(Signed) Duke Snyder, Chairman

LEGISLATIVE BILL 949. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 18, 1974, at 8:45 a.m. was the following: LB 762.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly re-engrossed: 228, and 228A.

The following bills were correctly engrossed: 697, 1034 and 1036.

Correctly Enrolled

The following bills were correctly enrolled: 608, 639, 715, 729 and 778.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 608, 639, 715, 729 and 778.

UNANIMOUS CONSENT—Print in Journal

Mr. Richendifer asked unanimous consent to print the following amendments to LB 763 in the Journal. No objections. So ordered. Withdraw amendment on page 520 of Journal and substitute the following:

1. On page 2, line 20, strike the new matter and reinstate the stricken matter and insert an underscored period at the end of the line; and in line 21 strike “and in the years in which such” and insert “and in the years in which such. The plates issued in 1972 shall also be valid for 1975. In 1976 specially-designed plates shall be issued in commemoration of the national bicentennial, which plates shall be valid for four years. Such plates shall be on a background of cream with the license number centered thereon in red figures and letters, shall display across the top thereof the word NEBRASKA in cream letters centered on a background of red flanked in the upper left and right hand corners respectively by a stylized drawing of a covered wagon and an Indian chief in full headress, and shall display across the bottom thereof 1776 BICENTENNIAL 1976 in cream letters on a background of blue. Beginning with the number plates issued in the year 1980, plates shall be issued for four years. In the years in which”.

Mr. Richendifer asked unanimous consent to print the following amendments to LB 997 in the Journal. No objections. So ordered. Amendments to LB 997:

1. On page 33, insert “There is included from the General Fund \$45,000 to be used for preservation and restoration work at Fort Atkinson State Historical Park, and matching federal funds may be used for such purpose.” after the period; in line 14 strike “289,873” and insert “334,873”; in line 17 strike “403,051” and insert “448,051”.

2. On page 34, line 11 strike “630,285” and insert “675,285”; and in line 14 strike “758,463” and insert “803,463”.

Mr. Carpenter asked unanimous consent to print the following amendments to LB 803 in the Journal. No objections. So ordered. Amendments to LB 803:

1. Insert a new section to be numbered section 3 and to read as follows:
“Sec. 3. No bank holding company shall develop an aggregate ownership or control of more than twenty-five per cent of the voting shares of any bank or the power to control in any manner the election of a majority of the directors of any bank if upon such acquisition the banks so owned or controlled by the bank holding company would have in the aggregate more than ten per cent of the total deposits, both time and demand, of all the banks in the state, as

determined by the Director of Banking on the basis of the most recent report of the banks in the state to their supervising authorities which are available at the time of the acquisition. No bank holding company may have control over more than ten banks at any time. No bank holding company shall hold more than ten per cent of control in any other bank holding company."

2. Renumber original sections 3 to 11 as sections 4 to 12, respectively.

Mr. Carpenter asked unanimous consent to print the following amendments to LB 1017 in the Journal. So objections. So ordered.

Amendments to LB 1017:

1. Strike the title after "Act" and insert "to amend section 66-605, Reissue Revised Statutes of Nebraska, 1943, section 66-410, Revised Statutes Supplement, 1972, and section 66-428, Revised Statutes Supplement, 1973, relating to gasoline tax; to increase the rate by two cents; to provide an operative date; and to repeal the original sections."

2. Page 2, strike original sections 1 and 2 and insert new sections as follows:

"Section 1. That section 66-410, Revised Statutes Supplement, 1972, be amended to read as follows:
66-410. At the time of filing the statement, required by section 66-409, such dealer shall, in addition to the other taxes provided for by law, pay a tax of ~~eight~~ ten and one half cents per gallon upon all motor vehicle fuels as shown by such statement; Provided, that effective January 1, 1973, gasoline sold in Nebraska which contains a minimum of ten per cent blend of an agricultural ethyl alcohol of at least one hundred ninety proof shall be subject to a state motor fuel tax which is three cents per gallon less than gasoline which does not contain such a blend. When the sale in Nebraska of gasoline containing such a blend exceeds ten million gallons per year, an adjustment in the tax may be considered by the Legislature. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 2. That section 66-428, Revised Statutes Supplement, 1973, be amended to read as follows:
66-428. There is hereby levied and imposed an excise tax of eight ten and one half cents per gallon upon the use of all motor vehicle fuels, as described by section 66-401, used in this state, and due the State of Nebraska under the provisions of section 66-410 or Chapter 66, article 6; Provided, that such excise tax after January 1, 1973, shall be five and one half cents per gallon on motor fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol of at least one hundred ninety proof, and ~~eight~~ ten and one half cents per gallon on gasoline which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

Sec. 3. That section 66-605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
66-605. There is hereby levied and imposed an excise tax of ~~eight~~ ten and one half cents per gallon on the use, within the meaning of the word use as defined in subdivision (5) of section 66-602, of special fuel in any motor vehicle as defined in subdivision (7) of section 66-602.

- 7 The tax, with respect to all special fuel delivered by a special fuel
 8 dealer into supply tanks of motor vehicles in this state, shall attach
 9 at the time of such delivery and shall be collected by such dealer and
 10 be paid over to the motor fuel tax administrator as provided by sections
 11 66-601 to 66-640.

Sec. 4. This act shall become operative on January 1, 1975."

3. Renumber original sec. 3 as sec. 4.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 664. With Emergency.

A BILL FOR AN ACT to amend section 77-2037, Revised Statutes Supplement, 1973, relating to taxation; to provide for the expiration of inheritance tax liens; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stromer
Stull	Syas	Waldron	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

DeCamp	R. Lewis	Stahmer	Warner
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 666. With Emergency.

A BILL FOR AN ACT relating to courts; to provide for termination of the lien on real estate of unpaid judgments for court costs; to amend section

29-2407, Reissue Revised Statutes of Nebraska, 1943; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stromer
Stull	Syas	Waldron	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

DeCamp	R. Lewis	Stahmer	Warner
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 683.

A BILL FOR AN ACT relating to crimes and punishments; to provide that it shall be unlawful to transfer or cause to be transferred sounds recorded on a phonograph record, disc, wire, tape, film, or other article on which sounds are recorded; to prohibit sale of transferred sounds; to provide exceptions; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime

Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stromer	Stull	Waldron
Whitney	Wiltse			

Voting in the negative, 1:

Nore

Not voting, 6:

DeCamp	Dickinson	R. Lewis	Stahmer	Syas
Warner				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—All Day Sessions

Mr. Syas moved to commence all day sessions on Friday, February 22, 1974. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

UNANIMOUS CONSENT—LB 771

Mr. Stull asked unanimous consent to place LB 771 at the top of General File for tomorrow.

Mr. Dickinson objected.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 620. Placed on General File as amended.
Standing Committee amendments printed and on file in the Clerk's office.

(Signed) Roland Luedtke, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Syas asked unanimous consent to print the following two Attorney General's Opinions in the Journal. No objections. So ordered.

Opinion No. 63

April 14, 1959

Dear Senator Diers:

You have referred to Section 50-415, R.R.S., 1943, and have asked if such section is a violation of the Constitution. Sec. 7, Art. III, Constitution of Nebraska, insofar as applicable, provides:

“* * *. The aggregate salaries of all members shall be \$37,500 per annum, divided equally among the members and payable in such manner and at such times as shall be provided by law. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.”

The above section of the Constitution was adopted by the people of this state on November 6, 1934. The amendment was proposed by initiative petition. The last session of the bicameral legislature was held during 1935. The first session of the present type legislature was held in 1937, Constitution, Section 5, Article III. The provisions of law pertaining to the Legislative Council were first enacted in 1937, L. B. 395, Laws 1937, C. 118, p. 421. This act has been amended from time to time but the amendments are not essential to the question you have asked. Section 11 of this law (presently Sec. 50-415) provided that the members of the council should be compensated for actual expenses incurred while attending sessions of the council. In 1937 the Legislature also enacted the provisions of law providing for the Nebraska Commission on Intergovernmental Cooperation, L. B. 543, Laws 1937, C. 110, p. 406. Section 81-822, R. R. S., 1943, a part of that law, provides that the members of that commission be paid their necessary expenses in carrying out their obligations. Certain of the members of the Legislature are members of that Commission. Section 81-816.

In considering your question it is well to consider certain well established rules of law. Every legislative act is surrounded by a presumption of constitutionality and this presumption continues until the act under review clearly appears to contravene some provision of the Constitution. *United Community Service v. The Omaha National Bank*, 162 Neb. 786, 77 N. W. 2d 576. It is also basic that the meaning of a constitutional provision is to be determined as the time of its adoption, and the intent and understanding of its framers and the people who adopted it is the principal inquiry in construing it. It is likewise true that legislative and official interpretation long acquiesced in is entitled to great weight in seeking the meaning of a doubtful constitutional provision. *State, ex rel. State Railway Commission v. Ramsey*, 151 Neb. 333, 37 N. W. 2d 502.

So far as the present inquiry is concerned there appears to be no question as to what the legislature intended when it provided that members of the legislative council and the members of the Nebraska Commission on Intergovernmental Cooperation who also may be members of the Legislature shall receive their actual expenses in carrying out their obligations as members of these committees. The essential question is whether or not Sec. 7, Article III, is susceptible of construction. We believe that it is. Referring to this provision it seems clear that the phrase, "Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses," could be construed to mean that the members could receive no other funds from the state under any guise whatsoever. On the other hand it could be construed to mean that the term "perquisites" refers to "compensation or reward for the performance of an official duty." If so construed then such term would not include reimbursement for actual expenses for service as a member of an interim committee and the payment of such expenses would be proper. The term has been so construed as used in the Constitution in the case of *State v. Sheldon*, 78 Neb. 552, 111 N.W. 372. This section could also be interpreted to mean that the restriction as to the receipt of actual expenses is limited to the attendance at a regular or special session of the Legislature, so that expenditures for actual expenses incurred while in the service of some special committee would not be within the inhibition. Evidently the Legislature has so believed. We suggest these possibilities to show that there is a doubt as to the proper interpretation of this constitutional provision.

Evidently such a doubt existed in 1937 for the question was previously raised. The Legislative Council Journals for 1937-38 contain a copy of an opinion of the Attorney General of Nebraska under date of October 11, 1937, directed to the Auditor of Public Accounts concerning the constitutionality of L. B. 395, 1937 Legislature, which was the bill setting up and establishing the Legislative Council. In that opinion it was pointed out that there is a distinction made as to expenses incurred while attending a regular or special session of the Legislature and those incurred at another time or place other than a regular or special session. In that opinion it was stated:

"In all of these decisions the courts recognize a very vital distinction between personal and legislative or official expenses. The rule followed is that the legislative or official expenses may be paid but that personal expenses may not be paid. The salary provided by law for each member is intended to pay not only his services but also for his attendance at legislative sessions. At such sessions he is not entitled also to an allowance for living expenses."

The opinion went on to state:

"In other words expenses of such committees when acting for and in pursuance to the direction of the legislature at times when or places where the legislature is not in session become legislative or official as distinguished from personal expenses."

Thus we have a legislative construction of the meaning of this constitutional provision. This legislative construction was contemporaneous with the adoption of this provision by the people of the state. This legislative construction is bolstered and concurred in by the administrative construction of the Attorney General and apparently has not been questioned for a period of some twenty years. While such interpretation is not binding, it is entitled to great weight. We cannot say, as a matter of law, that the construction placed upon this provision of the Constitution by the Legislature and prior administrative interpretation is clearly wrong. Nor can we say that the questioned statutes clearly contravene Section 7, Article III, of the Constitution.

We, therefore, conclude that the payment of actual expenses to members of the Legislature while serving as members of the legislative council and as members of committees of the legislative council is not in violation of Section 7, Article III, Constitution of Nebraska.

Very truly yours,
CLARENCE S. BECK
Attorney General

(Signed) Gerald S. Vitamvas
Assistant Attorney General

GSV:jmc

Opinion No. 60
April 13, 1959

Dear Senator Carpenter:

You have asked three questions. The first deals with the Nebraska Commission on Intergovernmental Cooperation which is established by Sections 81-816 to 81-824, R. R. S. 1943. This commission consists, in part, of five senators and the President and the Speaker of the Legislature, Section 81-816. The members of the commission serve without compensation, but are paid their necessary expenses in carrying out their obligations, Section 81-822. Your next question deals with the legislative council established by Chapter 50, Article 4. In that connection, Section 50-415, R. R. S. 1943, provides that the members of the council shall be compensated for actual expenses and members of the committees of the council shall be reimbursed actual expenses. You then inquire if the payment of such expenses is a violation of Section 7, Article III, Constitution of Nebraska. This section insofar as applicable provides:

“* * *. The aggregate salaries of all members shall be \$37,500 per annum, divided equally among the members and payable in such manner and at such times as shall be provided by law. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor

perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

Your third question states that if actual expenses are proper under this constitutional provision, then, could not the Legislature provide for the payment of actual expenses during the period the Legislature is in actual session?

The above section of the Constitution was adopted by the people of this state on November 6, 1934. The amendment was proposed by initiative petition. The last session of the bicameral legislature was held during 1935. The first session of the present type of Legislature was held in 1937, Constitution, Section 5, Article III. The provisions of law pertaining to the Legislative Council were first enacted in 1937, L. B. 395, Laws 1937, C. 118, P. 421. This act has been amended from time to time but the amendments are not essential to the questions here involved. Section II of this law provided that the members of the council should be compensated for actual expenses incurred while attending sessions of the council. Likewise the provisions of the law pertaining to the Nebraska Commission on Intergovernmental Cooperation were enacted in 1937, L. B. 543, Laws 1937, C. 110, p. 406.

In considering these questions it is well to consider certain well established rules of law. Every legislative act is surrounded by a presumption of constitutionality and this presumption continues until the act under review clearly appears to contravene some provision of the Constitution. *United Community Service v. The Omaha National Bank*, 162 Neb. 786, 77 N. W. 2d 576. It is also basic that the meaning of a constitutional provision is to be determined as of the time of its adoption, and the intent and understanding of its framers and the people who adopted it is the principal inquiry in construing it. It is likewise true that legislative and official interpretation long acquiesced in is entitled to great weight in seeking the meaning of a doubtful constitutional provision. *State, ex rel. State Railway Commission v. Ramsey*, 151 Neb. 333, 37 N. W. 2d 502.

So far as the present inquiries are concerned there appears to be no question as to what the Legislature intended when it provided that members of the legislative council and the members of the Nebraska Commission on Intergovernmental Cooperation who also may be members of the Legislature shall receive their actual expenses in carrying out their obligations as members of these committees. The essential question is whether or not Section 7, Article III is susceptible of construction. We believe that it is. Referring to this provision it seems clear that the phrase, "Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses," could be construed to mean that the members could receive no other funds from the state under any guise whatsoever. On the other hand it could be construed to mean that the term "perquisites" refers to "compensation or reward for the performance of an official duty." If so construed then such term would not include reimbursement for actual expenses for service as a member of an interim

committee and the payment of such expenses would be proper. The term has been so construed as used in the Constitution in the case of *State v. Sheldon*, 78 Neb. 552, 111 N.W. 372. This section could also be interpreted to mean that the restriction as to the receipt of actual expenses is limited to the attendance at a regular or special session of the Legislature, so that expenditures for actual expenses incurred while in the service of some special committee would not be within the inhibition. Evidently the Legislature has so believe. We suggest these possibilities to show that there is a doubt as to the proper interpretation of this constitutional provision.

Evidently such a doubt existed in 1937 for the question was previously raised. The Legislative Council Journals for 1937-38 contain a copy of an opinion of the Attorney General of Nebraska under date of October 11, 1937, directed to the Auditor of Public Accounts concerning the constitutionality of L. B. 395, 1937 Legislature, which was the bill setting up and establishing the Legislative Council. In that opinion it was pointed out that there is a distinction made as to expenses incurred while attending a regular or special session of the Legislature and those incurred at another time or place other than a regular or special session. In that opinion it was stated:

"In all of these decisions the courts recognize a very vital distinction between personal and legislative or official expenses. The rule followed is that the legislative or official expenses may be paid but that personal expenses may not be paid. The salary provided by law for each member is intended to pay not only for his services but also for his attendance at legislative sessions. At such sessions he is not entitled also to an allowance for living expenses."

The opinion went on to state:

"In other words expenses of such committees when acting for and in pursuance to the direction of the legislature at times when or places where the legislature is not in session become legislative or official as distinguished from personal expenses."

Thus we have a legislative construction of the meaning of this constitutional provision. This legislative construction was contemporaneous with the adoption of this provision by the people of the state. This legislative construction is bolstered and concurred in by the administrative construction of the Attorney General and apparently has not been questioned for a period of some twenty years. While such interpretation is not binding, it is entitled to great weight. We cannot say, as a matter of law, that the construction placed upon this provision of the Constitution by the Legislature and prior administrative interpretation is clearly wrong. Nor can we say that the questioned statutes clearly contravene Section 7, Article 3, of the Constitution.

We therefore conclude that the payment of actual expenses to members of the Legislature while serving as members of the legislative council and as members of committees of the legislative council is not in violation of Section 7, Article III, Constitution of Nebraska. The same

holding and reasoning applies to service as a member of the Nebraska Commission on Intergovernmental Cooperation. However, in view of the previous construction placed upon this section, it would be a violation of the above provision for the Legislature to provide for the payment of their personal expenses during regular and special sessions of the Legislature.

Very truly yours,

CLARENCE S. BECK
Attorney General

(Signed) Gerald S. Vitamvas
Assistant Attorney General

GSV:wjj

MOTION—General File bills

Mr. Kremer moved to place LB 873 and LB 605 at the top of General File for Wednesday, February 20, 1974.

Mr. Carpenter asked unanimous consent to include LB 771 in the motion. No objections. So ordered.

Mr. Richendifer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The Kremer motion as revised prevailed with 27 ayes, 0 nays and 22 not voting.

ANNOUNCEMENT

Mr. Waldron announced an Executive Session of the Miscellaneous Subjects Committee upon adjournment in Room 2102.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules for the introduction of five new bills. (Req. Nos. 1597, 1610, 1538, 1596 and 1580)

Mr. Schmit moved for a Call of the House. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

Mr. Schmit moved the Call be raised. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

The Carpenter motion prevailed with 33 ayes, 1 nay and 15 not voting.

Mr. Carpenter moved to introduce the five new bills. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1042. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Dickinson, 31st District; Kennedy, 21st District; Kime, 43rd District; Maresh, 32nd District; C. Carsten, 2nd District; Epke, 24th District; Rasmussen, 41st District.

A BILL FOR AN ACT relating to livestock; to provide duties of the Director of Agriculture and Department of Agriculture as prescribed; to provide procedures to insure accurate weighing of slaughter livestock; to provide penalties; and to declare an emergency.

LEGISLATIVE BILL 1043. By Miscellaneous Subjects Committee: Cavanaugh, 9th District, Vice-chairman; Carpenter, 48th District; Mahoney, 5th District; F. Lewis, 38th District; Luedtke, 28th District.

A BILL FOR AN ACT relating to regulated fuels; to define terms; to provide duties and powers of the Tax Commissioner as prescribed; to provide penalties; to provide for severability; and to declare an emergency.

LEGISLATIVE BILL 1044. By Labor Committee: Maresh, 32nd District, Chairman; Cavanaugh, 9th District; Kime, 43rd District; Kennedy, 21st District; F. Carstens, 30th District; Dickinson, 31st District.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1972, relating to labor; to change the student disqualification for unemployment benefits; and to repeal the original section.

LEGISLATIVE BILL 1045. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Cavanaugh, 9th District; Carpenter, 48th District; F. Lewis, 45th District; Mahoney, 5th District.

A BILL FOR AN ACT relating to labor; to waive attendance requirements of employees when absent from work due to inclement weather conditions as prescribed; and to provide penalties.

LEGISLATIVE BILL 1046. By Warner, 25th District.

A BILL FOR AN ACT to amend section 50-309, Reissue Revised Statutes of Nebraska, 1943, relating to lobbying; to include influencing rule making; to define certain groups as lobbyists; and to repeal the original section.

MOTION—Change Hearing Time

Mr. Schmit moved the Committee on Agriculture and Environment reschedule their Thursday and Friday committee meetings from 2:00 p.m. to 12:30 p.m. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

MOTION—Place LB 755 on General File

Mr. F. Carstens renewed his pending motion, found in the Journal on page 672 for the Thirtieth Day, to place LB 755 on General File notwithstanding the committee action.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 513. E & R amendments found in the Journal on page 658 for the Thirtieth Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 652. Laid over at the request of Mr. Duis.

GENERAL FILE

LEGISLATIVE BILL 597. Title read. Considered.

Laid over until tomorrow at request of Mr. Carpenter.

MOTION—Return LB 813 to General File

Mr. Dickinson moved to return LB 813 to General File. The motion prevailed with 33 ayes 0 nays and 16 not voting.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
1042	Agric. & Env.	1045	Labor
1043	Misc. Subjects	1046	Gov. Mil. & Vets Affs
1044	Labor		

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARING

Labor

LB 1044 Wednesday, February 27, 1974

1:00 p.m.

(Signed) Richard Maresh, Chairman

ANNOUNCEMENT

Mr. Maresh announced an executive session of the Labor Committee on Wednesday, February 20, 1974 between 1:00 and 2:00 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 613. Replaced on Select File as amended.
E & R amendments to LB 613:

1. In new section 1, line 1, strike "original" and the first comma.
2. In line 1 of E & R 3, insert "77-2702.12 and" after "sections".

LEGISLATIVE BILL 293. Placed on Select File as amended.
E & R amendments to LB 293:

1. On page 5, line 17, strike "articles" and insert "sections"; and in line 18 strike "articles or parts thereof" and insert "sections".
2. On page 6, line 10, strike "19" and insert "17"; and in line 19 strike the semicolon and insert an underscored comma.
3. On page 7, line 7, strike "24" and insert "22".
4. On page 8, lines 7 and 8 as amended, strike ":",
A" and insert "that a", removing paragraphing from line 8.
5. On page 10, line 2, strike the comma.
6. For clarification of the Goodrich amendment to section 15, on page 11, strike lines 1 to 9.
7. Renumber original section 16 as section 15.
8. Renumber original sections 18 to 28 as sections 16 to 26.
9. On page 12, line 8, strike the semicolon and insert an underscored comma.
10. In line 3 of the Goodrich amendment 2 to the unofficial copy, strike "of the act".
11. On page 12, line 16, strike "23" and insert "21".
12. On page 14, line 4, strike "21" and insert "19"; and in line 6, strike "41" and insert "37".
13. In lieu of the Goodrich amendment 3 to the unofficial copy, as amended by the Chambers amendment, in committee amendment 6, line 5, insert ", after written or actual notice," after "comply"; in the bill page 14, lines 10 & 11

reinstate "materially affecting health or safety" and in the reinstated matter strike "or" and insert "and"; and in the bill, page 14, insert ", after written or actual notice," at the end of line 12.

14. In committee amendment 6, line 5, strike "of".

15. In line 2 of the last Goodrich amendment to the unofficial copy, page 14, strike the period.

16. In the Goodrich amendment 4, adopted 1/30, line 5, strike "21" and insert "19".

17. On page 16, lines 12 and 16, strike "18" and insert "16".

18. On page 18, line 2, strike "34" and insert "31".

19. On page 19, lines 15 and 16 strike "sections 35 and 36" and insert "section 32"; and in line 26 strike "21" and insert "19".

20. On page 20, line 23, strike "21" and insert "19".

21. On page 21, line 1, strike "30" and insert "27"; in line 4, strike "27" and insert "25"; in line 7 strike "18" and insert "16"; and in line 10, strike "20" and insert "18".

22. Renumber original sections 30 to 34 as sections 27 to 31.

23. On page 22, line 26, strike "21" and insert "19".

24. On page 23, line 20, strike "27" and insert "25".

25. On page 25, line 10, strike "18" and insert "16"; and in line 25 strike "23" and insert "21".

26. In lieu of the Goodrich amendment 6, adopted 1/30, on page 25, line 23, insert "recoverable under section 16" after "security".

27. On page 26, line 26, strike "23" and insert "21".

28. Renumber original sections 36 to 56 as sections 32 to 52.

29. On page 27, line 18, strike "26" and insert "24".

30. On page 28, line 26, strike "34" and insert "31".

31. On page 31, line 3, strike "33" and insert "30"; and in line 26 strike "27" and insert "25".

32. In committee amendment 15, line 5, strike "this" and insert "(1)" after "subsection".

33. On page 32, line 3, strike "44 to 51" and insert "40 to 47"; and in line 18 strike the comma.

34. In lieu of the Goodrich amendment 9 to the unofficial copy, in committee amendment 17, line 6, strike "Time of trial" and insert "Trial"; and in line 7 strike "set seven" and insert "not less than seven nor more than ten".

35. ON page 33, line 20, strike the second comma.

36. On page 35, strike lines 4 to 6 and insert "permitted prior to the effective date of this act.".

37. In the title, line 4, strike "24-268" and insert "24-568"; in line 5, strike the second comma and insert a semicolon; and in line 6 insert "to provide a savings clause; to provide severability;" after the semicolon.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS Constitutional Revision and Recreation

LEGISLATIVE BILL 619. Indefinitely postponed.

LEGISLATIVE BILL 846. Indefinitely postponed.

LEGISLATIVE BILL 970. Indefinitely postponed.

LEGISLATIVE BILL 644. Placed on General File.

LEGISLATIVE BILL 865. Placed on General File.

LEGISLATIVE BILL 960. Placed on General File as amended.

Standing Committee amendment to LB 960:

1. Strike section 1, and insert two new sections to be known as sections 1 and 2 and to read as follows:

"Section 1. A person who shall perform work or labor, or exert care or diligence, or who shall advance money or material upon personal property under a contract, expressed or implied, and who holds such property for a period of one hundred eighty days, may dispose of the property by sale or other manner. Such disposition shall not occur until thirty days after the mailing of a written notice of the intended disposition by certified mail, return receipt requested, to the last-known address of the owner of the personal property to be disposed of, and to any lien or security interest holder of record.

Sec. 2. That sections 52-602, 52-603, 52-604, and 52-605, Reissue Revised Statutes of Nebraska, 1943; and section 52-601, Revised Statutes Supplement, 1972, are repealed."

(Signed) George Syas, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Chambers asked unanimous consent to print the following letter in the Journal. No objections. So ordered.

February 12, 1974

Senator Ernest Chambers
State Capitol Building
Lincoln, Nebraska 68509

Re: LB-678

Dear Senator Chambers:

Under the Constitution of the State of Nebraska, every city over 5,000 is authorized to have a home rule charter as its own constitution; and since 1917 the City of Lincoln has had such a charter in which all of its provisions are approved by the Lincoln voters.

From 1956 until November 6, 1962, there were many open hearings and public discussions on key charter provisions for our city on our form of government directly relating, of course, to our elected officials.

The provisions approved on this subject were voted on at an election held on November 6, 1962, at which time 35,556 Lincoln voters participated in this open process with all constitutional safeguards. Approval was given by a majority of those Lincoln voters to the following:

1. The municipal government established by the Lincoln charter shall be known as the mayor-council form of government, and its essential components shall be an elected chief executive to be known as the mayor and an elected legislative body to be known as the council.
2. At the general city election held in 1963 and every four years thereafter, there shall be elected one mayor on a non-partisan basis for a term of four years; and at the general city election held in 1965 and every four years thereafter, there shall be elected three councilmen on a non-partisan basis for a term of four years.

The voters have also included in their charter a provision on the qualifications of their elective officers which states that they shall be residents of the city and qualified electors and citizens of the United States.

The Lincoln voters have also provided in their charter provisions for the conditions for the forfeiture of office of a mayor or a councilman, as well as provisions for recall.

There is no limitation on term of office for any of the city elective offices, nor has there been a public request or demand informally or formally for such a limitation. The Nebraska Constitution provides a procedure for citizen participation in the amendment of a home rule charter.

Contrast this history and record of direct citizen involvement with the action of the Government, Military & Veterans Affairs Committee, as shown on Page 575 of the Journal. That committee amended LB-678 by adding a new section 1 which constitutes *new and different matter*. In its executive session, the committee added language to the effect that no mayor of the City of Lincoln shall be elected to more than two consecutive terms. That bill was sent to General File. The Legislature has now approved a motion to send the bill back to Committee. It is our position that the committee's addition of section 1 of the bill is in direct violation of the Nebraska constitutional provisions on home rule charters and special legislation, as well as in total disregard of the voters of the City of Lincoln.

We respectfully urge that for the foregoing reasons, the committee amendment to LB-678 must be stricken.

Sincerely,

(Signed) Ralph D. Nelson
Corporation Counsel

RDN/mm

UNANIMOUS CONSENT—Member Excused

Mr. Waldron asked unanimous consent to be excused Tuesday, February 19, 1974. No objections. So ordered.

VISITORS

President Marsh introduced Miss Cecile Lopez and Mr. Dennis Fierro from Los Noches, Mexico; Mr. and Mrs. Miguel DeCillis from Buenos Aires, Argentina escorted by Mr. and Mrs. James Downing; 12 students from Robin Mickle Jr. High and teachers from Lincoln; Group of Bellevue Young Democrats from Bellevue.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Nore, the Legislature adjourned until 9:00 a.m., Tuesday, February 19, 1974.

Vincent D. Brown
Clerk of the Legislature

THIRTY-SECOND DAY—FEBRUARY 19, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 19, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

Lord Jesus, as we pray for the members of this body, its officers and all those who share in its labors, we remember that thou wert never in a hurry and never lost thy inner peace even under pressure greater than we shall ever know. But we are only human. We grow tired. We feel the strain of meeting deadlines, and we chaff under frustration. We need poise and peace of mind, and only thou canst supply the deepest needs of tired bodies, jaded spirits, and frayed nerves. Give to us thy peace and refresh us in our weariness, that this may be a good day with much done and done well, that we may say with thy servant Paul: "I can do all things through Christ who gives me strength." Amen.

ROLL CALL

The roll was called and all members were present except Messrs. F. Carstens and Waldron who were excused; Mr. Fellman who was excused until he arrived and Mr. Fowler who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-first Day was approved.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 142
February 19, 1974

Dear Senator Lewis:

This is in response to your inquiry concerning the need for legislation in the area of municipal contributions to local Chambers of Commerce.

You ask three questions:

1. Can a municipality join and pay membership dues to a Chamber of Commerce?

While we can find nothing that would prohibit a municipality from joining a local Chamber of Commerce, the payment of dues by municipalities to such an organization is forbidden by the Nebraska Constitution, Article XIII, Section 3, which provides in part:

"The credit of the state shall never be given or loaned in aid of an individual, association, or corporation, . . ."

In State ex rel. Beck v. City of York, 164 Neb. 223, 84 N. W. 2d 269 (1957), the court held that this prohibition applied not only to the state but to "all political subdivisions thereof." The court likewise stated that:

"... It is the plain intention of this provision that state government, including political subdivisions thereof, shall not extend credit in aid of private persons and private enterprises. . . ."

The court concluded that the Legislature cannot authorize a municipal corporation to spend, lend, or give away public money or credit for a purpose which is not a public one. State ex rel. Beck is consistent with two prior decisions by the court: Oxnard Beet Sugar Co. v. State, 73 Neb. 66, 105 N. W. 716 (1905); United Community Services v. The Omaha National Bank, 162 Neb. 786, 77 N. W. 2d 576 (1956). Since it would be virtually impossible to show that Chamber of Commerce membership dues serve a legitimate public purpose, any legislation attempting to authorize the payment of such dues would appear to be unconstitutional.

2. Can a municipality make a contribution or gift to a Chamber of Commerce without specifying the purpose of the grant?

For the same reasons set forth in response to the first question, legislation authorizing such gifts or contributions without specifying the purpose of the grant would also be unconstitutional.

Section 18-401, R. S. Supp., 1972, presently authorizes cities and villages to pay sums to the local Chambers of Commerce and other organizations to be expended by those organizations for certain enumerated purposes:

"The city commissioners or council of any city, the board of trustees of any village, and the county board of any county in the state shall have the power to appropriate or expend annually from the general funds or from revenue received from any proprietary functions of their respective political subdivision an amount not to exceed one per cent of the assessed valuation of the city, village, or county for the purpose of encouraging immigration, new industries, and investment and to conduct and carry on a publicity campaign, including a publicity campaign conducted for the purpose of acquiring from any source a municipal electrical distribution system, exploiting and advertising the various agricultural, horticultural, manufacturing, commercial, and other resources, including utility services, of the city, village, or county,

purchasing real estate suitable for industrial development, acquiring options on real estate suitable for industrial development, and renewing or extending such options, paying for such real estate or options with funds provided for in this section, with the amounts paid for any such option to be taken as part payment of the purchase price of any such option if the option be exercised. Such sum may be expended directly by the city, village, or county or may be paid to the chamber of commerce or other commercial organization or a similar county organization or multicounty organization or local development corporation to be expended for the purposes herein enumerated under the direction of the board of directors of said organization; Provided, that the total amount levied including the appropriation or expenditure made under this section, shall not exceed the amount limited by law."

The Nebraska Supreme Court has stated in United Community Services v. The Omaha National Bank, 162 Neb. 786, 77 N. W. 2d 576 (1956):

"... '... the vital point in all such appropriations is whether the purpose is public; and that, if it is, it does not matter whether the agency through which it is dispensed is public or not; that the appropriation is not made for the agency, but for the object which it serves; the test is in the end, not in the means.' ... '...'" (162 Neb. at 800 - 801.)

The Court also stated that the Legislature must set up "reasonable standards to guide the agency which is to administer [the fund]." (162 Neb. at 801, 77 N.W. 2d at 587). Section 18-1401 would seem to incorporate "reasonable standards" since the statute directs that the Chambers of Commerce and other organizations shall expend the funds only for the purposes enumerated under the statute.

Failure to specify a public purpose, would be a fatal constitutional defect in the type of legislation referred to in your second question.

3. Can a municipality match funds with a Chamber of Commerce for a public purpose? Can they match for a private purpose?

Assuming that the municipality's matched funds would indeed be used for legitimate public purpose, legislation authorizing such action would appear to be constitutionally sound. Municipalities may contract with private organizations for specified public purposes and an arrangement providing for matched funds would seem to be closely analogous and not in violation of the Constitution. In a matched funds situation the city funds would not actually be given to the Chamber of Commerce, but would instead be allotted for some specified project -- again assuming it to be a project with a bona fide public purpose.

However, legislation authorizing the matching of municipal funds for a private purpose would be inconsistent with the cases discussed above and in contravention of Article XIII, Section 3, of the Nebraska Constitution.

I am enclosing a copy of a letter to Senator Syas from this office in response to his related question.

Very truly yours,
CLARENCE A. H. MEYER
Attorney General

(Signed) Steven C. Smith
Special Assistant Attorney General

SCS:smh
cc: Mr. Vincent Brown
enc.

Opinion No. 143
February 19, 1974

Dear Senator Syas:

This letter is in response to your inquiry of February 15, 1974, concerning the constitutionality of a law which allows governmental subdivisions to appropriate money to local Chambers of Commerce and other organizations.

Apparently, the statute to which you refer is Section 18-1401, R. S. Supp., 1972, which provides:

"The city commissioners or council of any city, the board of trustees of any village, and the county board of any county in the state shall have the power to appropriate or expend annually from the general funds or from revenue received from any proprietary functions of their respective political subdivision an amount not to exceed one per cent of the assessed valuation of the city, village, or county for the purpose of encouraging immigration, new industries, and investment and to conduct and carry on a publicity campaign, including a publicity campaign conducted for the purpose of acquiring from any source a municipal electrical distribution system, exploiting and advertising the various agricultural, horticultural, manufacturing, commercial, and other resources, including utility services, of the city, village, or county, purchasing real estate suitable for industrial development, acquiring options on real estate suitable for industrial development, and renewing or extending such options, paying for such real estate or options with funds provided for in this section, with the amounts paid for any such option to be taken as part payment of the purchase price of any such option if the option be exercised. Such sum may be expended directly by the city, village, or county or may be paid to the chamber of commerce or other commercial organization or a similar county organization or multicounty organization or local development corporation to be expended for the purposes herein enumerated under the direction

of the board of directors of said organization; Provided, that the total amount levied including the appropriation or expenditure made under this section, shall not exceed the amount limited by law."

Article XIII, Section 3, of the Nebraska Constitution, and the case law in Nebraska generally require that the Legislature cannot authorize a municipal corporation to spend, lend, or give away public money or credit for a purpose which is not a public one. However, the Nebraska Supreme Court, in United Community Services v. The Omaha National Bank, 162 Neb. 786, 77 N. W. 2d 576, (1956) has stated:

"... '... the vital point in all such appropriations is whether the purpose is public; and that, if it is, it does not matter whether the agency through which it is dispensed is public or not; that the appropriation is not made for the agency, but for the object which it serves; the test is in the end, not in the means. '... '... ' (162 Neb. at 800 - 801).

The Court also stated that the Legislature must set up "reasonable standards to guide the agency which is to administer (the fund). "(162 Neb. at 801, 77 N. W. 2d at 587). Section 18-1401 would seem to incorporate "reasonable standards" since the statute directs that the Chambers of Commerce and other organizations shall expend the funds only for the purpose enumerated under the statute.

While the statutorily enumerated purposes under Section 18-1401, R.S. Supp., 1972, are many and would seem to encompass virtually all of the activities normally associated with organizations such as a Chamber of Commerce, these purposes are also arguably "public purposes." In defining "public purposes" the court in Platte Valley Public Power and Irrigation District v. County of Lincoln, 144 Neb. 584, 589, 14 N.W. 2d 202, 205 (1944) stated:

"A public purpose has for its objective the promotion of the public health, safety, morals, security, prosperity, contentment, and the general welfare of all the inhabitants."

The Legislature has evidently made a policy decision by enacting Section 18-1401 and as the court stated in Oxnard Beet Sugar Co. v. State, 73 Neb. 66, 67, 105 N. W. 716, 717 (1905):

"It is the province of the legislature to determine matters of policy. In appropriating the public funds, if there is reason for doubt or argument as to whether the purpose for which the appropriation is made is a public or a private purpose, and reasonable men might differ in regard to it, it is generally held that the matter is for the legislature, ..."

The authority granted by Section 18-1401 could also be fairly analogized with the constitutional and statutory powers authorizing municipalities to contract with private enterprises for specified purposes. Under Section 18-1401, the municipality would achieve a public purpose with the sums paid to a Chamber of Commerce as long as that organization

complied with the statutory guidelines, by expending that sum for one of the enumerated purposes; thus resulting in public benefit.

While the authority granted under Section 18-1401 could conceivably be abused to benefit some private interest, it would appear that on its face, this statute passes constitutional muster.

Enclosed is a copy of a letter which was sent to Senator Frank Lewis in response to similar questions.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Steven C. Smith

Special Assistant Attorney General

SCS:smh

cc: Mr. Vincent Brown

enc.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 327. Placed on Select File as amended.
E & R amendments to LB 327:

- 2 1. In line 1 of the Murphy amendment, strike
- 3 "Section".
- 4 2. In the Murphy amendments, in lieu of numbered
- 5 sections 2 and 3, insert two sections to read:
- 6 "Section 1. That section 87-301, Reissue Revised
- 7 Statutes of Nebraska, 1943, be amended to read as
- 8 follows:
- 9 87-301. As used in sections 87-301 to 87-306,
- 10 unless the context otherwise requires:
- 11 (1) Article means a product as distinguished from
- 12 its trade-mark, label, or distinctive dress in packaging;
- 13 (2) Certification mark means a mark used in
- 14 connection with the goods or services of a person other
- 15 than the certifier to indicate geographic origin,
- 16 material, mode of manufacture, quality, accuracy, or
- 17 other characteristics of the goods or services or to
- 18 indicate that the work or labor on the goods or services
- 19 was performed by members of a union or other
- 20 organization;
- 21 (3) Collective mark means a mark used by members
- 22 of a cooperative, association, or other collective group
- 23 or organization to identify goods or services and
- 24 distinguish them from those of others, or to indicate
- 25 membership in the collective group or organization;
- 1 (4) Mark means a word, name, symbol, device, or
- 2 any combination of the foregoing in any form or
- 3 arrangement;

4 (5) Person means an individual, corporation,
5 government, or governmental subdivision or agency,
6 business trust, estate, trust, partnership,
7 unincorporated association, two or more of any of the
8 foregoing having a joint or common interest, or any other
9 legal or commercial entity;

10 (6) Service mark shall mean a mark used in the
11 sale or advertising or services to identify the services
12 of one person and distinguish them from the services of
13 others;

14 (7) Trade-mark shall mean any word, name, symbol,
15 or device or any combination thereof adopted and used by
16 a person to identify goods made or sold by him and to
17 distinguish them from goods made or sold by others; and

18 (8) Trade name means a word or a name, or any
19 combination of the foregoing in any form or arrangement
20 used by a person to identify his business, vocation, or
21 occupation and distinguish it from the business,
22 vocation, or occupation of others;.

23 (9) Chain distributor scheme also known as
24 pyramid sales shall mean a sales device whereby a person,
25 upon a condition that he make an investment, is granted a
26 license or right to recruit for profit one or more

27 additional persons who also are granted such license or
1 right upon condition of making an investment and may
2 further perpetuate the chain of persons who are granted
3 such license or right upon such condition. A limitation
4 as to the number of persons who may participate, or the
5 presence of additional conditions affecting eligibility
6 for such license or right to recruit or the receipt of
7 profits therefrom, shall not change the identity of the
8 scheme as a chain distributor scheme;

9 (10) Investment shall be any acquisition, for a
10 consideration other than personal services, of personal
11 property, tangible or intangible, for profit or business
12 purposes, and shall include, without limitation,
13 franchises, business opportunities, and services. It
14 shall not include real estate or securities registered
15 under Chapter 8, article 11, or sales demonstration
16 equipment and materials furnished at cost for use in
17 making sales and not for resale;

18 (11) Referral or chain referral sales or leases
19 shall mean any sales technique, plan, arrangement, or
20 agreement whereby the seller or lessor gives or offers to
21 give a rebate or discount or otherwise pays or offers to
22 pay value to the buyer or lessee as an inducement for a
23 sale or lease in consideration of the buyer or lessee
24 giving to the seller or lessor the names of prospective
25 buyers or lessees or otherwise aiding the seller or
26 lessor in making a sale or lease to another person if the
27 earning of the rebate, discount, or other value is
1 contingent upon the occurrence of an event subsequent to
2 the time the buyer or lessee agrees to buy or lease; and

3 (12) Attorney General shall mean the Attorney
4 General of the State of Nebraska or the county attorney
5 of any county with the consent and advice of the Attorney
6 General.

7 Sec. 2. That section 87-302, Reissue Revised
8 Statutes of Nebraska, 1943, be amended to read as
9 follows:

10 87-302. (a) A person engages in a deceptive
11 trade practice when, in the course of his business,
12 vocation, or occupation, he:

13 (1) Passes off goods or services as those of
14 another;

15 (2) Causes likelihood of confusion or of
16 misunderstanding as to the source, sponsorship, approval,
17 or certification of goods or services;

18 (3) Causes likelihood of confusion or of
19 misunderstanding as to affiliation, connection, or
20 association with, or certification by, another;

21 (4) Uses deceptive representations or
22 designations of geographic origin in connection with
23 goods or services;

24 (5) Represents that goods or services have
25 sponsorship, approval, characteristics, ingredients,
26 uses, benefits, or quantities that they do not have or
27 that a person has a sponsorship, approval, status,
1 affiliation, or connection that he does not have;

2 (6) Represents that goods are original or new if
3 they are deteriorated, altered, reconditioned, reclaimed,
4 used, or secondhand;

5 (7) Represents that goods or services are of a
6 particular standard, quality, or grade, or that goods are
7 of a particular style or model, if they are of another;

8 (8) Disparages the goods, services, or business
9 of another by false or misleading representation of fact;

10 (9) Advertises goods or services with intent not
11 to sell them as advertised;

12 (10) Advertises goods or services with intent not
13 to supply reasonably expectable public demand, unless the
14 advertisement discloses a limitation of quantity;

15 (11) Makes false or misleading statements of fact
16 concerning the reasons for, existence of, or amounts of
17 price reductions; or

18 (12) Engages in any other conduct which similarly
19 creates a likelihood of confusion or of misunderstanding;
20 .

21 (13) Uses or promotes the use of a chain
22 distributor scheme in connection with the solicitation of
23 business or personal investments from members of the
24 public; or

25 (14) With respect to a sale or lease to a natural
26 person of goods or services purchased or leased primarily
27 for personal, family, household, or agricultural

- 1 purposes, uses or employs any referral or chain referral
2 sales technique, plan, arrangement, or agreement.
3 (b) In order to prevail in an action under
4 sections 87-301 to 87-306, a complainant need not prove
5 competition between the parties or actual confusion or
6 misunderstanding.
7 (c) This section does not affect unfair trade
8 practices otherwise actionable at common law or under
9 other statutes of this state.”.
- 10 3. In the Murphy amendments, renumber numbered
11 sections 4 to 12 as sections 3 to 11 and strike numbered
12 sections 13 to 16.
- 13 4. In lines 1 and 2 of renumbered sections 4 to
14 11, strike the underscored matter and accompanying
15 punctuation.
- 16 5. In renumbered section 4, line 4, strike “4”
17 and insert “3”.
- 18 6. In renumbered section 5, lines 9 and 10
19 strike “for the State of Nebraska”.
- 20 7. In renumbered section 6, line 3, strike the
21 first comma.
- 22 8. In renumbered section 7, lines 6 and 21,
23 strike “4” and insert “3”; in line 9 strike “Nebraska”;
24 in line 15 strike the comma; in line 17 strike “Where”
25 and insert “When”; in line 24 strike the comma and insert
26 “and of”; in line 29 strike the comma; and in line 30
27 insert “or section 3” after “87-302”.
- 1 9. In renumbered section 8, line 5, strike “4”
2 and insert “3”.
- 3 10. In renumbered section 9, line 2, strike “4”
4 and insert “3”; and strike line 5 and insert the same as
5 line 3 of renumbered section 11.
- 6 11. In renumbered section 10, line 2, strike “4”
7 and insert “3”; in line 3 insert “shall” after “and” and
8 strike the same in line 4; in line 5 strike “or
9 confinement” and insert “, or by imprisonment”; and in
10 line 6 strike “or both” and insert “, or by both such
11 fine and imprisonment”.
- 12 12. In renumbered section 11, strike lines 4 to
13 7 and insert “shall be guilty of a felony and shall, upon
14 conviction thereof, be punished by a fine of not more
15 than five thousand dollars, or by imprisonment in the
16 Nebraska Penal and Correctional Complex not more than
17 five years, or by both such fine and imprisonment.”.
- 18 13. Add three new sections to read:
19 “Sec. 12. If any section in this act or any
20 part of any section shall be declared invalid or
21 unconstitutional, such declaration of invalidity shall
22 not affect the validity of the remaining portions
23 thereof.
- 24 Sec. 13. That original sections 87-301 and
25 87-302, Reissue Revised Statutes of Nebraska, 1943, and

26 also Chapter 69, article 14, Reissue Revised Statutes of
27 Nebraska, 1943, are repealed.

1 Sec. 14. Since an emergency exists, this act
2 shall be in full force and take effect, from and after
3 its passage and approval, according to law.”.

4 14. In the title, strike lines 2 to 6 and

5 insert:

6 “FOR AN ACT to amend sections 87-301 and 87-302, Reissue

7 Revised Statutes of Nebraska, 1943, relating
8 to the Uniform Deceptive Trade Practices Act;

9 to define terms; to make certain acts

10 unlawful; to provide for procedures,

11 enforcement, and remedies; to provide

12 penalties; to provide severability; to repeal

13 the original sections, and also Chapter 69,

14 article 14, Reissue Revised Statutes of

15 Nebraska, 1943; and to declare an emergency.”.

LEGISLATIVE BILL 641. Placed on Select File as amended.

E & R amendments to LB 641:

1. On page 2, line 13, insert an underscored
comma after “commission”.

2. On page 4, line 25, strike the comma and
show the same as stricken.

3. On page 6, line 9, strike “designate”
and insert “elect”.

4. In the title, line 4, insert “to clarify
provisions for nomination of candidates;” after the
semicolon.

LEGISLATIVE BILL 756. Placed on Select File.

LEGISLATIVE BILL 888. Placed on Select File as amended.

E & R amendments to LB 888:

1. In the committee amendment, page 1,
line 11, insert an underscored comma after “purpose”.

2. In the committee amendment, page 2,
line 1, strike “as”.

3. In the title, strike lines 2 to 7

and insert:

“FOR AN ACT to amend sections 81-2,164.01 and 81-2,164.03,

Reissue Revised Statutes of Nebraska, 1943,

relating to agriculture; to expand a program

for the assembly and dissemination of

agricultural products information; to provide

for funds; and to repeal the original

sections.”.

LEGISLATIVE BILL 888A. Placed on Select File.

LEGISLATIVE BILL 612. Placed on Select File as amended.
E & R amendments to LB 612:

1. In the committee amendment 4, line 5, strike the comma; and in line 6 insert an underscored comma after "Appraisers" and immediately thereafter insert the matter added by the Clark amendment, striking it where it appears, and in such inserted material insert "or" after the comma in the second line.

2. In the title, line 5, insert "to provide exemptions from the examination requirement;" after the semicolon.

LEGISLATIVE BILL 674. Placed on Select File as amended.
E & R amendment to LB 674:

1. In the title, line 3 strike "power" and strike lines 4 and 5 and insert "public power; to change the requirement for supplying of electrical service at retail;".

LEGISLATIVE BILL 765. Placed on Select File as amended.
E & R amendments to LB 765:

1. On page 3, line 19, strike "subsection" and insert "~~subsection~~ subdivision"; and in line 21 strike the comma and show the same as stricken.

2. In the title, strike lines 4 and 5 and through "road" in line 6 and insert "to clarify a prohibition respecting shotguns".

LEGISLATIVE BILL 766. Placed on Select File as amended.
E & R amendments to LB 766:

1. On page 2, line 12, strike "may be taken" and show the same as stricken.

2. In the title, line 5, strike "shooting area" and insert "breeding and shooting areas".

LEGISLATIVE BILL 767. Placed on Select File as amended.
E & R amendments to LB 767:

1. On page 2, line 12, strike the comma and show the same as stricken.

2. On page 4, line 10, strike ", and" and insert "; and".

3. On page 5, lines 18 and 23, strike "sections 37-215.03 and 37-215.04" and show as stricken and insert "this section".

4. In the title, line 7, insert "to change provisions for special permits;" after the second semicolon.

LEGISLATIVE BILL 675. Placed on Select File as amended.
E & R amendment to LB 675:

1. In the title, line 4, insert “; and to
declare an emergency” after “all”.

LEGISLATIVE BILL 645. Placed on Select File as amended.
E & R amendments to LB 645:

1. On page 2, line 8, strike the comma and
show as stricken.

2. On page 3, line 26, strike the semicolon
and show as stricken and insert an underscored comma.

LEGISLATIVE BILL 716. Placed on Select File.

LEGISLATIVE BILL 689. Placed on Select File as amended.
E & R amendment to LB 689:

1. In the title, line 4, strike “municipalities”
and insert “local authorities”.

LEGISLATIVE BILL 636. Placed on Select File as amended.
E & R amendment to LB 636:

1. On page 5, line 14, reinstate “and upon the”.

2. On page 7, line 6, reinstate “and upon”.

3. On page 11, line 11, reinstate “and upon”.

Correctly Enrolled

The following bills were correctly enrolled: 664, 666 and 683.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business,
the President signed the following bills: 664, 666 and 683.

MOTION—Adjournment

Speaker Proud moved that when we adjourn today we adjourn until
Monday, February 25, 1974.

Mr. Carpenter moved to amend the motion that when we adjourn today
we adjourn until Monday, March 4, 1974.

Mr. Barnett moved the previous question. The question is “Shall the
debate now close?” The motion prevailed with 31 ayes, 0 nays and 18 not
voting.

The Carpenter amendment lost with 23 ayes, 21 nays and 5 not voting.

Speaker Proud moved for a Call of the House. The motion prevailed with 23 ayes, 9 nays and 17 not voting. The Call showed 45 members present.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

The Proud motion prevailed with 25 ayes, 20 nays and 4 not voting.

Mr. F. Lewis moved that when we adjourn we adjourn until 10:00 a.m., Monday, February 25, 1974. The motion lost with 21 ayes, 23 nays and 5 not voting.

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 877. Placed on General File as amended.
Standing Committee amendments to LB 877:

1. On page 5, line 21 insert a new section to read to be known as section 2, and to read as follows:

"Sec. 2. Any person who makes or receives any gift or contribution in excess of the limitation provided in subdivision (5) of section 32-1134 shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not less than the actual dollar value of the gift or contribution, or by imprisonment in the Nebraska Penal and Correctional Complex not less than one year nor more than two years, or by both such fine and imprisonment."

2. Renumber original sections 2 to 4 as sections 3 to 5, respectively.

3. On page 7, line 14 after the word "made" strike the comma and insert "and"; and strike lines 15 to 25, and show same as stricken matter.

4. On page 8 insert a new section to known as section 6, and to read as follows:

"Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

LEGISLATIVE BILL 976. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 19, 1974, at 8:20 a.m., were the following: LB 608, LB 639, LB 715, LB 729 and LB 778.

(Signed) Barbara Jackson, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 17A.

A BILL FOR AN ACT to appropriate one hundred sixty-five thousand nine hundred eighty-seven dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Agriculture, Agency No. 18 for Program 057, to aid in carrying out the provisions of Legislative Bill 17, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Clark	DeCamp	Dickinson	Duis
Epke	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

F. Carstens	Chambers	Fellman	Fowler	Waldron
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 77.

A BILL FOR AN ACT to amend section 60-434, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 13, Eighty-third Legislature, First Session, 1973, relating to the state patrol; to change the number of investigators; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barnett	Burbach	Carpenter	C. Carsten	Cavanaugh
DeCamp	Duis	Goodrich	Hasebroock	Johnson
Kelly	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stromer	Stull	Syas	Warner
Wiltse				

Voting in the negative, 6:

Anderson	Dickinson	Epke	Keyes	Stahmer
Whitney				

Not voting, 7:

F. Carstens	Chambers	Clark	Fellman	Fowler
Kennedy	Waldron			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 77A.

A BILL FOR AN ACT to appropriate two hundred twenty-one thousand four hundred twenty dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Nebraska State Patrol, Agency No. 64 for Program 190, Criminal Investigation, to aid in carrying out the provisions of Legislative Bill 77, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Barnett	Burbach	Carpenter	C. Carsten	Cavanaugh
Duis	Hasebroock	Johnson	Kelly	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stromer	Stull
Syas	Warner			

Voting in the negative, 7:

Anderson	Clark	Dickinson	Epke	Keyes
Stahmer	Whitney			

Not voting, 10:

F. Carstens	Chambers	DeCamp	Fellman	Fowler
Goodrich	Kennedy	Moylan	Waldron	Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 600.

A BILL FOR AN ACT relating to offenses against public health and safety; to prohibit smoking in certain public areas; to provide exceptions; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Anderson	C. Carsten	Cavanaugh	Chambers	DeCamp
Dickinson	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Kime	Kremer	Luedtke
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Richendifer	Savage	Schmit	Simpson
Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 13:

Barnett	Burbach	Carpenter	Clark	Epke
Keyes	F. Lewis	R. Lewis	Mahoney	Proud
Rasmussen	Skarda	Snyder		

Not voting, 4:

F. Carstens	Duis	Fellman	Waldron
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 730.

A BILL FOR AN ACT to amend sections 76-802, 76-803, 76-804, 76-806, 76-807, 76-809, 76-810, 76-816, 76-819, 76-820, and 76-823, Reissue Revised Statutes of Nebraska, 1943, relating to the Condominium Property Act; to redefine terms; to change provisions relating to the use and enjoyment of apartments; to add provisions relating to the common elements as prescribed; to expand upon how property shall be insured or altered; to provide for partition; and to repeal the original sections, and also sections 76-821 and 76-822, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

F. Carstens Fellman Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 827. Mr. Moylan moved to return LB 827 to Select File for the following specific amendment:

1. On page 2, line 20 strike "sell" and insert "operate" ; line 22 strike "misdemeanor" and insert "traffic infraction" ' ' in line 23 strike "less" and insert "more"; in line 24 strike "twenty-five" and insert "fifteen"; after "dollars" insert a period, and strike the remainder of the line; in line 25 strike "dollars." and insert "In lieu of the fine, the court may in its discretion sentence such person to work on public streets, parks, or other

public property for a period not exceeding two working days. Such work shall be under the supervision of such official as the court shall name. Upon written certification by such official of performance of the work, the sentence shall be deemed to be satisfactory.”.

Mr. Whitney moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 34 ayes, 1 nay and 14 not voting.

The Moylan motion prevailed with 26 ayes, 17 nays and 6 not voting.

SELECT FILE

LEGISLATIVE BILL 652. E & R amendment found in the Journal on page 658 for the Thirtieth Day was adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 613. E & R amendments found in the Journal on page 695 for the Thirty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 293. E & R amendments found in the Journal on page 695 for the Thirty-first day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 827. The Moylan specific amendment found in this day’s Journal was renewed.

Mr. Moylan moved for a Call of the House. The motion prevailed with 18 ayes, 5 nays and 26 not voting.
The Call showed 42 members present.

Mr. R. Lewis moved the Call be raised. The motion prevailed with 31 ayes, 3 nays and 15 not voting.

The Moylan specific amendment lost with 22 ayes, 15 nays and 12 not voting.

UNANIMOUS CONSENT—Unbracket LB 772

Mr. Carpenter asked unanimous consent to unbracket LB 772 on Select File.

Mr. Warner objected.

NOTICE OF COMMITTEE HEARING
Labor

LB 1045 Wednesday, February 27, 1974

1:30 p.m.

(Signed) Richard Maresh, Chairman

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 302. Placed on General File as amended.
Standing Committee amendments to LB 302:

1. On page 2, line 13, after "services," insert "(f) specialized services as federal legislation may require," and strike "(f)" and insert "(g)".

2. On page 8, line 1, after "one" strike "regional governing"; in line 2 before "member" strike "board".

Additional Standing Committee amendments printed and on file in Clerk's office.

(Signed) Thomas C. Kennedy, Chairman

EXPLANATION OF VOTE

My "no" vote on LB 17 was registered because of the appropriation at that time in LB 17A for the fiscal year 1973-74. The amendment to fiscal year 1974-75 has removed my objection to the bill in total and I would now vote "yes" if possible.

(Signed) H. D. Simpson

UNANIMOUS CONSENT—Change of Hearing Day

Mr. Schmit asked unanimous consent to hold the Agriculture and Environment Committee public hearing on LB 1042 on Tuesday, February 26, 1974 at 12:30 p.m. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 1042 Tuesday, February 26, 1974

12:30 p.m.

(Signed) Loran Schmit, Chairman

MOTION—Place LB 619 on General File

Mr. Carpenter moved to place LB 619 on General File notwithstanding the committee action.

Mr. Carpenter requested a roll call vote.

Mr. Barnett moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays and 29 not voting.

The Call showed 45 members present.

Mr. Barnett moved to begin the roll call at the end of the alphabet. The motion prevailed with 27 ayes, 15 nays and 7 not voting.

Voting in the affirmative, 18:

Anderson	Barnett	Burbach	Carpenter	Cavanaugh
Chambers	DeCamp	Duis	Fowler	Goodrich
Keyes	F. Lewis	Mahoney	Marvel	Richendifer
Savage	Schmit	Stahmer		

Voting in the negative, 28:

C. Carsten	Clark	Dickinson	Epke	Hasebroock
Johnson	Kelly	Kennedy	Kime	Kremer
R. Lewis	Luedtke	Maresh	Marsh	Moylan
Murphy	Nore	Proud	Rasmussen	Simpson
Skarda	Snyder	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Not voting, 3:

F. Carstens	Fellman	Waldron
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The Carpenter motion lost with 18 ayes, 28 nays and 3 not voting.

Mr. C. Carsten moved the Call be raised. The motion prevailed with 39 ayes, 0 nays and 10 not voting.

MOTION—Introduce Bill

Mr. Burbach moved the introduction of a new bill by the Committee on Revenue. (Req. No. 1595)

The motion prevailed with 31 ayes, 3 nays and 15 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1047. By Revenue Committee: Burbach, 19th District, Chairman; Skarda, 7th District; Keyes, 3rd District; C. Carsten, 2nd District; Rasmussen, 41st District; Epke, 24th District; Anderson, 37th District; Mahoney, 5th District.

A BILL FOR AN ACT to amend section 1-114, Reissue Revised Statutes of Nebraska, 1943, relating to accountants; to further define public accounting experience; and to repeal the original section.

UNANIMOUS CONSENT—Member Excused

Mr. Schmit asked unanimous consent to be excused at 11:20 a.m. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 708 in the Journal. No objections. So ordered.

Amendments to LB 708

1. On page 2, line 10, after the comma insert “with the following categories of expenses each being separately itemized (a) miscellaneous expenses, (b) entertainment, to include expenses for food and drink, (c) lodging expenses, and (d) travel expenses, and”; in line 11, insert “separately itemized which are” after “amounts”; in line 19, insert “any” after the first “to”, and strike “legislators” and insert “legislators-legislator”; in line 24, insert “a” after “where”; strike “members” and insert “members member”, and strike “were” and insert “were was”.

2. On page 3, strike lines 1 through 6 and insert:
“Any association formed principally for lobbying purposes shall submit a list of all individuals contributing money for payment of the expenses of the lobbyist retained or employed by the association. In the event that a lobbyist is employed or retained by any person, corporation, or association formed principally for other than lobbying purposes, only the names of the principal individuals of such corporation or association shall be filed. The filing shall be a part of the statement required to be filed pursuant to the provisions of this section.”

3. On page 3, lines 7 and 13 insert “while the Legislature is in session, and quarterly while the Legislature is not in session” after “monthly”; in line 11, strike “The” and insert “The-Any member of the”; in line 12, strike “itself” and show as stricken; in line 17, insert “setting forth the name of each lobbyist, each principal, and the total of all amounts received and expended” after “section”.

NOTICE OF COMMITTEE HEARINGS
Appropriations

February 20, 1974

9:00 a.m.-12:00 noon Executive Session
2:00 p.m.-4:30 p.m. DAS public hearing

February 21, 1974

9:00 a.m.-12:00 noon Executive Session
2:00 p.m.-4:30 p.m. (2:00 p.m.) Board of Pardons and District Courts
(2:30 p.m.) Department of Corrections

February 22, 1974

9:00 a.m. Executive Session

February 25, 1974

2:00 p.m. Capital Construction Hearings and Decisions

February 26, 1974

2:00 p.m. Capital Construction Hearings and Decisions

February 28, 1974

2:00 p.m. LB 938

(Signed) Richard D. Marvel, Chairman

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 817. Placed on General File as amended.
Standing Committee amendments to LB 817:

1. Add a new section to be known as section 1, and to read as follows:
"Section 1. That section 48-1102, Revised Statutes Supplement, 1973,
2 be amended to read as follows:
3 48-1102. As used in sections 48-1101 to 48-1125, unless the context
4 otherwise requires:
5 (1) Person includes one or more individuals, labor unions, partner-
6 ships, associations, corporations, legal representatives, mutual companies,
7 joint-stock companies, trusts, unincorporated organizations, trustees,
8 trustees in bankruptcy, or receivers;
9 (2) Employer shall mean a person engaged in an industry who has fif-
10 teen or more employees for each working day in each of twenty or more
11 calendar weeks in the current or preceding calendar year, and any agent of
12 such a person, but such term does not include (a) the United States, a cor-
13 poration wholly owned by the government of the United States, or an Indian
14 tribe, or (b) a bona fide private membership club, other than a labor or-
15 ganization, which is exempt from taxation under section 501 (c) of the In-
16 ternal Revenue Code of 1954; ~~Provided, that in accordance with the fundamen-~~
17 ~~tal condition accepted by the people of the State of Nebraska as shown by~~
18 ~~the acts of admission of this state into the Union that there shall be no~~

19 denial of any right to any person by reason of race or color, it shall be
 20 the policy of the State of Nebraska and of its political subdivisions to
 21 insure equal employment opportunities for employees of the state and of
 22 its political subdivisions without discrimination because of race or color,
 23 and all officers of the state and of its political subdivisions shall use
 24 their existing powers to effectuate this policy;

25 (3) Labor organization shall mean any organization which exists
 26 wholly or in part for one or more of the following purposes: Collective
 27 bargaining; dealing with employers concerning grievances, terms, or condi-
 28 tions of employment; or of mutual aid or protection in relation to employ-
 29 ment;

30 (4) Employment agency shall mean any person regularly undertaking with
 31 or without compensation to procure employees for an employer or to procure
 32 for employees opportunities to work for an employer and includes an agent
 33 of such a person; but shall not include an agency of the United States, ex-
 34 cept that such term shall include the United State Employment Service and
 35 the system of state and local employment services receiving federal assistance;

36 (5) Privileges of employment shall mean the terms and conditions of any
 37 employer-employee relationship, opportunities for advancement of employees,
 38 and plant conveniences;

39 (6) Employee shall mean an individual employed by an employer;

40 (7) Commission shall mean the Equal Opportunity Commission; and

41 (8) Disability shall mean any physical or mental condition, infirmity,
 42 malformation, or disfigurement which is caused by bodily injury, birth de-
 43 fect, or illness, including epilepsy or seizure disorders, and which shall
 44 include, but not be limited to, any degree of paralysis, amputation, lack
 45 of physical coordination, blindness or visual impediment, deafness or
 46 hearing impediment, muteness or speech impediment, or physical reliance on
 47 a dog guide, wheelchair, or other remedial appliance or device and shall
 48 also mean the physical or mental condition of a person which constitutes a
 49 substantial handicap, as determined by a physician, but is unrelated to
 50 such person's ability to engage in a particular occupation."

2. On page 2, line 16, strike "those" each time it appears and
 insert "three"; and in line 18 strike "those" and insert "three".

3. On page 3, line 10, after "The" insert "director with
the approval of the"; in line 13 strike ", except that the" and
 insert ", The"; in line 26 strike "is" and insert "and" and section
 48-1102, Revised Statutes Supplement, 1973, are" renumber original
 sections 1 and 2 as sections 2 and 3 respectively.

LEGISLATIVE BILL 915. Placed on General File as amended. Standing Committee amendment on LB 915:

1. On page 2, after line 12 insert the following:

"Sec. 3. All applicants shall present evidence that their
 operations will serve the public interest. Public and educational
 television and radio stations shall be carried; installation and
 service shall be provided to nonprofit educational, medical, and
 governmental institutions at no cost; and channels up to ten per cent
 of system capacity shall be made available at no cost to nonprofit
 educational, medical, and governmental institutions for exclusive
 use in serving the public interest."; and renumber original sections
 3 to 7 as sections 4 to 8 respectively.

LEGISLATIVE BILL 983. Placed on General File as amended.
Standing Committee amendment to LB 983:

1. On page 8, line 6 strike "where" and insert "where to the extent that".

(Signed) J. James Waldron, Chairman

GENERAL FILE

LEGISLATIVE BILL 813. Considered.

Mr. Warner moved to strike the Standing Committee amendments found in the Journal on page 651 for the Twenty-ninth Day.

Mr. Dickinson asked unanimous consent to have the bill laid over until the new Standing Committee amendments are printed in the Journal.

Mr. Skarda objected.

Mr. Dickinson moved to have the bill laid over and print the new Standing Committee amendments in the Journal.

Mr. Stahmer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Mr. Dickinson moved for a Call of the House. The motion prevailed with 19 ayes, 16 nays and 14 not voting.

The Call showed 42 members present.

Mr. Carpenter moved the Call be raised. The motion prevailed with 26 ayes, 6 nays and 17 not voting.

Mr. Dickinson requested a roll call vote on his motion.

Voting in the affirmative, 20:

Anderson	Clark	Dickinson	Epke	Goodrich
Johnson	Kelly	Kennedy	Kime	R. Lewis
Maresh	Murphy	Nore	Proud	Rasmussen
Snyder	Stromer	Stull	Whitney	Wiltse

Voting in the negative, 23:

Barnett	Burbach	Carpenter	Cavanaugh	Chambers
Duis	Fowler	Hasebroock	Keyes	Kremer
F. Lewis	Luedtke	Mahoney	Marsh	Marvel
Moylan	Richendifer	Savage	Simpson	Skarda
Stahmer	Syas	Warner		

Not voting, 6:

C. Carsten F. Carstens DeCamp Fellman Schmit
Waldron

The Dickinson motion lost with 20 ayes, 23 nays and 6 not voting.

The Warner motion to strike the Standing Committee amendments found in the Journal on page 651 for the Twenty-ninth Day prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. Warner offered the following new Standing Committee amendments:

1. Delete subsection (2) of Section 79-2617, starting on line 17 on page 4 of LB 813 through line 13 on page 5, including the new material starting on line 24 on page 4.

2. Add a new section 3 as follows:

Section 3. Within thirty days after the effective date of this act, the Governor shall appoint a new area board for Eastern Nebraska Technical Community College Area, which appointment shall be made so as to guarantee equal representation for all of the people in such area, but members now serving on such area board may be appointed to the new area board if such area will be provided with adequate representation. The present members of the area board of Eastern Nebraska Technical Community College Area shall serve until their successors are appointed by the Governor. The members of such area board appointed by the Governor shall serve until their successors are elected and qualified at the state general election in 1976. Successor board members shall be elected as provided in Section 79-2620. Each area board member of such area shall be a resident and qualified elector of such area. The area board of Eastern Nebraska Technical Community College Area shall provide services and facilities in its area so that its programs are reasonably accessible and available to all parts and residents of the area.

3. Add a new section 4 as follows:

Section 4. Upon the effective date of this act, the assets, programs, liabilities, and personnel of the Omaha Nebraska Technical Community College Area shall be transferred to and assumed by the Eastern Nebraska Technical Community College Area.

4. Former section 3 of LB 813 shall be renumbered as section 5.

The new Standing Committee amendments were adopted with 35 ayes, 0 nays and 14 not voting.

Mr. Mahoney offered the following amendments:

1. In new section 3, lines 3, 9, and 17,
and new section 4, line 4, strike "Eastern Nebraska",
showing as stricken, and insert "Metropolitan".

2. In new section 4, line 2, insert ", personnel," after "programs".

3. On page 3, line 14, strike "Eastern Nebraska" and show as stricken, and insert "Metropolitan".

The amendment was adopted with 29 ayes, 4 nays and 16 not voting.

Mr. Richendifer offered the following amendments:

1. In the standing committee amendments, strike beginning with the comma in line 3 through the period in line 7, and insert:

"In making such appointment, the Governor shall appoint two members from each county wherever possible, so as to guarantee equal representation for all of the people in such county. Three members shall be appointed at large."

2. Add a new section 5 to read as follows:

"Sec. 5. The Metropolitan Technical Community College Area Board shall plan the construction of a campus at a location to be selected by such board."

3. Renumber present sections 5 and 6 as sections 6 and 7.

The amendment was adopted with 17 ayes, 16 nays and 16 not voting.

Mr. Simpson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

REFERENCE COMMITTEE REPORT

LB Committee
1047 Revenue

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 1047 Wednesday, February 27, 1974

1:00 p.m.

(Signed) J. W. Burbach, Chairman

STANDING COMMITTEE REPORTS

Committee on Committees

February 19, 1974

The Committee on Committees desires to report favorably upon the appointment listed below which was submitted by Governor J. James Exon. The Committee suggests the appointment be confirmed by the Legislative Body and suggests a record vote:

James L. McCoy, RP – State Board of Health

No one appeared either in favor or opposition to the appointment of Mr. McCoy to the State Board of Health.

Committee vote: For: (10) Senators Barnett, Epke, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Duis and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman
Committee on Committees

February 19, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Gordon W. Shupe, DDS – State Board of Health

No one appeared either in favor or opposition to the appointment of Dr. Shupe to the State Board of Health.

Committee vote: For: (10) Senators Barnett, Epke, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Duis and Stromer.

E. A. Purtzer – State Board of Health

No one appeared either in favor or opposition to the appointment of Dr. Purtzer to the State Board of Health.

Committee vote: For: (10) Senators Barnett, Epke, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Duis and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman
Committee on Committees

February 19, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Mrs. Margaret Sutherland — Environmental Control Council

Senator Wally Barnett appeared in favor of Mrs. Sutherland's appointment. No one appeared in opposition.

Committee vote: For: (10) Senators Barnett, Epke, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Duis and Stromer.

Dale Sampson — Environmental Control Council

Senator Walter Epke appeared in favor of Mr. Sampson's appointment. No one appeared in opposition.

Committee vote: For: (10) Senators Barnett, Epke, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Duis and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman
Committee on Committees

February 19, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Vince E. Rossiter, Sr. — Bd of Educational Lands & Funds

Senator E. Thome Johnson appeared in favor of Mr. Rossiter's appointment. No one appeared in opposition to Mr. Rossiter's appointment.

Committee vote: For: (10) Senators Barnett, Epke, Luedtke, Johnson, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Duis and Stromer.

Mrs. Sharon Holyoke – State Board of Health

No one appeared in favor of Mrs. Holyoke's appointment and no one appeared in opposition to her appointment.

Committee vote: For: (10) Senators Barnett, Epke, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Duis and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman
Committee on Committees

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 606. Placed on General File as amended.
Standing Committee amendments to LB 606:

1. Strike section 1.
2. On pages 11, 12, 13, 14, and 15 reinstate the stricken matter and strike the new matter.
3. On page 11, line 24 strike "November 15" and insert "~~November 15~~ December 1".
4. On page 14 after line 26 insert "Such express obligations are those which by statute will occur on a date or dates certain without further action by the Legislature or are directed by the Legislature to be included as an express obligation.".
5. On page 16 lines 1 and 2 strike the new matter and reinstate the stricken matter; strike section 3 and insert the following:

"Sec. 2. The Tax Commissioner shall on or before September 1 of each year provide to all members of the State Board of Equalization and Assessment and to the Clerk of the Legislature a preliminary report which shall consist of (1) all general fund receipts by source for each of the immediate preceding twenty-four months, (2) a forecast, identified by source, of all receipts to be credited to the General Fund for the remainder of the then current fiscal year and for the next succeeding two fiscal years, and (3) all significant changes in the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes or the rules and regulations issued under such laws."; and renumber original sections 2, 4, and 5 as sections 1, 3, and 4 respectively.

(Signed) J. W. Burbach, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly re-engrossed: 513.

LEGISLATIVE BILL 613. Replaced on Select File as amended.
E & R amendment to LB 613:

1. In lieu of E & R amendment 2, adopted
2/19, in line 2 of E & R 3, insert "77-202.12 and" after
"sections".

LEGISLATIVE BILL 662. Placed on Select File as amended.
E & R amendment to LB 662:

1. In section 2, redesignate subdivisions
(a) to (e) as subdivisions (1) to (5).

LEGISLATIVE BILL 621. Placed on Select File as amended.
E & R amendments to LB 621:

1. In the Barnett amendment, line 1, insert
an underscored comma after "Provided"; and in line 3
strike the period and insert an underscored semicolon.

2. In the title, line 4, strike "change"
and insert "provide"; and strike line 5 and insert "for
the Disabled American Veterans organization to become
a recognized disabled".

LEGISLATIVE BILL 804. Placed on Select File.

LEGISLATIVE BILL 712. Placed on Select File as amended.
E & R amendment to LB 712:

1. In the title, line 6, insert "to provide
for eligibility;" after the semicolon.

LEGISLATIVE BILL 912. Placed on Select File as amended.
E & R amendment to LB 912:

1. In the title, strike lines 2 to 6
and insert:
"FOR AN ACT relating to banks and banking; to provide for
fiduciary accounts in prescribed institutions."

LEGISLATIVE BILL 944. Placed on Select File as amended.
E & R amendments to LB 944:

1. On page 4, line 3, insert an underscored
period after "creditor"; in line 13, insert an underscored
semicolon after "indebtedness"; and in line 14 strike the
semicolon and show the same as stricken.

2. In the title, line 4, strike "increase
the maximum" and insert "remove the limit on the".

LEGISLATIVE BILL 954. Placed on Select File as amended.
E & R amendments to LB 954:

1. On page 2, line 8, strike the comma and
show as stricken; and in line 21 insert "as may be" after
"funds".

2. In the committee amendment, insert an underscored comma at the end of line 7.

3. In the title, strike beginning with "to" in line 4 through "deposits" in line 5 and insert "to provide standards for bank deposits of county funds".

LEGISLATIVE BILL 732. Placed on Select File.

LEGISLATIVE BILL 925. Placed on Select File as amended.
E & R amendments to LB 925:

1. On page 2, line 10, strike ", or" and insert ", or,"; in line 16 strike the comma; in lines 20 and 21 strike "fiscal agent" and insert "nominee"; and in line 23 strike "as defined in" and insert "for purposes of".

2. In the title, strike beginning with "to: in line 4 through "created" in line 6 and insert "to provide for a nominee for the holding of securities as prescribed".

LEGISLATIVE BILL 925A. Placed on Select File.

LEGISLATIVE BILL 604. Placed on Select File as amended.
E & R amendments to LB 604:

1. In the Duis amendment, line 1, insert "and show stricken" after "later".

2. On page 2, line 27, strike "later" and insert "later sooner" and after the third comma insert "nor later than August 31, 1975,".

3. On page 3, line 24, strike "the" and insert "the" and insert an underscored comma after "1975"; and strike beginning with "filing" in line 24 through line 25 and show the same as stricken.

4. On page 4, line 16, strike "later" and insert "later sooner"; and in line 17 insert "nor later than August 31, 1975," after the comma.

5. In the title, insert "to change dates for compliance;" at the end of line 9.

6. On page 6, line 12, insert an underscored comma after "Regulations".

LEGISLATIVE BILL 811. Placed on Select File as amended.
E & R amendments to LB 811:

1. In the title, strike lines 2 to 4 and insert:

"FOR AN ACT relating to rights and privileges; to remove citizenship as a requirement for the grant of certain rights and privileges; to amend

sections 1-114, 1-137, 19-1806, 37-211, 71-103, 71-139.01, 71-175.01, 71-1,107.13, 71-7,107.14, 71-1,132.13, 71-1,132.37, 71-1,158, 72-302, 77-308, 81-8,117, and 81-8,196, Reissue Revised Statutes of Nebraska, 1943, sections 25-1601, 37-204, 71-139, and 71-2803.01, Revised Statutes Supplement, 1972, and section 71-1,145, Revised Statutes Supplement, 1973; and to repeal the original sections, and also sections 4-101, 4-102, 4-103, 4-104, 4-105, 71-3815, and 79-1247.12, Reissue Revised Statutes of Nebraska, 1943.”.

LEGISLATIVE BILL 790. Placed on Select File as amended.

E & R amendments to LB 790:

1. In committee amendment 1, line 9, insert “showing old matter stricken and new matter added” before the period.
2. In committee amendment 2, strike line 3 and insert “ ‘governmental units through a’ and ‘planning body.’ ”.
3. On page 7, line 20, strike “are” and insert “shall be”.

LEGISLATIVE BILL 721. Placed on Select File as amended.

E & R amendments to LB 721:

1. On page 2, line 14, strike “additionally”.
2. In the title, strike beginning with “personal” in line 3 through “prescribed” in line 6 and insert “banks; to change the maximum loan that may be made to an active officer or employer”.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Select File Bills

Mr. Carpenter asked unanimous consent to consider bills on Select File reported in today. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 641. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 756. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 888. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 888A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 612. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 674. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 765. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 766. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 767. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 675. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 645. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 716. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 689. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 636. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 613. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 662. E & R amendments found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 621. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 804. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 712. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 912. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 944. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 954. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 732. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 925. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 925A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 604. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 811. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 790. E & R amendments found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 721. E & R amendment found in this day's Journal was adopted.

Laid over.

ANNOUNCEMENT

Mr. Chambers announced that the Government, Military and Veterans Affairs Committee executive session will be held at 1:00 p.m., today, in Room 2102.

MESSAGE FROM THE GOVERNOR

February 18, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative bill No. 655.

This bill was signed by me on February 18, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINION

Opinion No. 144
February 15, 1974

Dear Senator DeCamp:

In your letter of February 13, 1974, you have asked our opinion as to the constitutional validity of L.B. 815, as amended, dealing with obscenity. In our opinion we would have great difficulty sustaining this bill in the courts.

This bill, is, in our opinion, extremely redundant, and in many instances this redundancy results in inconsistency, uncertainty, or outright violations of constitutional rights. Because of the length of the bill, and the number of questionable provisions, we will not attempt to make an exhaustive analysis, but will simply point out some of the more obvious problem areas.

In considering this bill, we have attempted to measure it against the guidelines laid down last summer in *Miller v. California*, 413 U.S. 15, 37 L. Ed. 2d 419, 93 S. Ct. 2607, and a number of other obscenity cases decided at the same time. In that case the court said:

"The basic guidelines for the trier of fact must be: (a) whether 'the average person, applying contemporary community standards' would find that the work, taken as a whole, appeals to the prurient interest, *Kois v. Wisconsin*, supra, 408 US, at 230, 33 L. Ed. 2d 312 (1972), quoting *Roth v. United States*, supra, 354 US, at 489, 1 L. Ed. 2d 1498 (1957), (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. * * *"

The court gave the following examples of permissible material for regulation under part (b) of the guidelines:

"(a) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated.

"(b) Patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals."

We point out that the decision upholding the general principle of regulation of obscenity was by a five to four majority, and that one of the principle attacks on obscenity statutes is that they are vague and uncertain. It is therefore important that any obscenity statute be as clear as possible, and that it follow closely the guidelines laid down in *Miller*.

Section 1 of the bill, the definition section, is very long, but provides little clarity. "Disseminate" and "promote" are given almost identical definitions, and include the manufacture of materials. Certainly the manufacture of materials seems quite foreign to the dissemination of them.

"Harmful to minors" is defined to mean that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochist abuse, when it: (a) predominantly appeals to the prurient, shameful, or morbid interest of minors, (b) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors, and (c) is lacking in serious literary, artistic, political, educational, or scientific value for minors. The concept of a community standard of what is suitable to minors is obscure, and the concept of what material could have serious literary, artistic, political, educational, or scientific value for adults, but lacks such value for minors is vague and confusing. Furthermore, section 2 of the bill prohibits the sale, etc., to a minor of material containing a "visual representation or image of a person or portion of the human body, or any replica, article or device having the appearance of either male or female genitals which predominantly pruriently, shamefully or morbidly depict nudity, sexual conduct, sexual excitement or sadomasochistic abuse and which, taken as a whole, is harmful to minors."

Section 7 of the bill prohibits the sale and distribution of obscene material generally, not restricting it to sales and distributions to minors. Section 2 would apparently require the material to be proved to be obscene generally, and then, in addition, be proved to be harmful to minors, making it more difficult to get a conviction for selling obscene materials to minors than to adults.

The definition of "nudity" in section 1 goes beyond the example given in Miller. While Miller did not imply that its examples were the outside limits of what could be regulated, we nevertheless doubt that the United States Supreme Court would approve a statute prohibiting nudity which did not involve a lewd showing of the genitals. Too many widely circulated and accepted magazines contain pictures of nude persons for us to believe that the court would permit a prosecution for the showing of buttocks or breasts.

"Patently offensive" is defined as meaning that the work, material, conduct or live performance lacks as a whole serious literary, artistic, political, educational or scientific value. This is the test laid down under (c) in Miller. By defining "patently offensive" as used under (b) in Miller as meaning the same as part (c) in Miller any separate or different meaning for the term as used in part (b) of the guidelines is effectively destroyed, and would probably therefor be held to be in violation of Miller.

"Sadomasochistic abuse" is defined as flagellation or torture by or upon a nude person or a person clad in undergarments, a mask or a bizarre costume. This would mean that such acts performed by or upon a person clad in ordinary clothes, or a bathing suit, would not qualify as sadomasochistic abuse. We believe this amounts to unreasonable classification.

Section 5 of the bill provides that it shall be unlawful to employ a minor to assist in any manner in the sale, delivery, distribution or exhibition of obscene material. We believe this to be overbroad. A criminal

statute should be designed to prevent some evil, and we cannot perceive how a 17 year old boy would be harmed by delivering a packaged roll of obscene film from one place to another.

Section 7 provides that "every person not present in this state" who, among other things, places an advertisement of obscene materials, whether or not such material exists in fact or is obscene, shall be guilty of a misdemeanor. We find no similar provision with respect to a person who is present in this state, which is a patent violation of equal protection of the laws. Furthermore, we question whether the placing of an advertisement, not obscene in itself, of materials that do not exist or are nonobscene, can be punished as obscenity. If money were obtained as a result of such an advertisement, it might be obtaining money by false pretenses, but there is no such requirement in this bill.

Section 8 is completely redundant, except for one provision, and that provision is unconstitutional. It provides, among other things, that prosecutions under this act shall be tried by a jury, unless both parties waive a jury. A defendant would, under general law, always be entitled to a jury without this provision, and the requirement of the consent of the prosecution to a waiver of a jury is contrary to *State v. Carpenter*, 181 Neb. 639, 150 N. W. 2D 129, in which the court said:

"* * *. The right to a jury trial is personal to the defendant, and the state is without power to require one if the defendant wishes to waive it."

The balance of section 8, in our opinion, is simply an unnecessary recitation of existing law.

Section 11 is confusing. It provides that the plaintiff, in a declaratory judgment action to determine obscenity, may request a temporary restraining order or injunction. The same section, however, provides that no temporary restraining order or injunction shall issue in advance of final adjudication. At the time of final adjudication a permanent injunction will either be granted or denied, so we do not understand what is intended with respect to a temporary restraining order or injunction. This section also provides that when an injunction is requested, any party shall be entitled to a trial within five judicial days after service of summons, and a decision shall be rendered within two judicial days after trial.

In many cases, of course, it will be completely impossible to have a trial within five judicial days after service of summons, because of the unavailability of a judge. Such a requirement is a drastic departure from customary procedure, and would frequently impose great hardship on one or the other of the parties, denying him the opportunity to obtain an attorney or prepare his case. The literal application of such a rule could well amount to a denial of due process of law. The requirement of a decision within two judicial days after trial might well deny the trial judge an opportunity to study the law and the evidence and reach a considered decision.

Section 19 provides that if the existence of a nuisance is established, all personal property used in conducting the nuisance shall be sold as upon

execution. It does not provide for the forfeiture of such property, nor for the disposition of the proceeds of the sale.

Section 20 provides that if a tenant uses real estate for committing a violation of the act, his lease shall be voidable at the option of the owner, who may without process of law make immediate entry upon the premises and retake possession. This provision could well be held to impair the obligation of contracts and to amount to a taking of property without due process of law.

Section 21 provides that material or work introduced into evidence and found to be obscene is contraband, and that all monetary consideration received for such "work, material, conduct or live performance" is recoverable as damages in the county where sold or exhibited." We don't understand what this means, or who is entitled to recover such damages. If the bill provided that physical evidence could be sold and the proceeds retained by the state, it might be comprehensible, at least, but when the bill talks about recovering monetary consideration received for such "work, material, conduct or live performance" it obviously refers to something other than physical evidence in the hands of the court, and sounds as though it was intended to authorize a suit against the defendant for all the proceeds of his business within the period of the statutes of limitations. We question whether such a provision could be upheld, in any event, and as it presently reads the provision is simply incomprehensible.

There are a number of other confusing and questionable provisions in the bill, but in order to avoid in this opinion the redundancy we complained about in the bill, we will not discuss them at this time. There is a savings clause in the bill, but in view of the extensive nature of the defects we have found, it seems doubtful that any part of the bill could operate alone.

We want to point out that we have very recently argued an obscenity case in the Supreme Court of Nebraska involving the question of whether our present statutes are valid under the new rules laid down in *Miller v. California*. While no one can predict with any assurance what the decision of our court will be, we are reasonably confident, based upon decisions of other courts with similar statutes, that our present law will be upheld. Section 25 of L.B. 815 would repeal this law. If this is done, and, as we suspect, L.B. 815 is then found to be invalid, we could be left with no obscenity law at all.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jc

cc: Vincent D. Brown

February 15, 1974

RE: L. B. 939

Dear Senator Cavanaugh:

You ask if L. B. 939, if passed, would impliedly repeal the existing criminal statutes on abortions and you also want to know if L. B. 939 is constitutional.

As the bill is now written it does nothing. We cannot say it is unconstitutional. It does not directly or impliedly repeal anything. The bill, as written, seems to be nothing more than a statement of a policy of the Legislature.

You also ask, if specific language were added to the bill which said this bill was not to be interpreted to repeal the existing statutes on abortion, would such a guarantee be honored by the judiciary. We cannot predict with any degree of specificity what a court would or would not do. It may honor it or it may not.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General(Signed) James J. Duggan
Assistant Attorney GeneralJJD:ejg
cc: Mr. Vincent D. Brown

VISITORS

President Marsh introduced Miss Sheryl Burkhart, National Honey Queen, her parents, Mr. and Mrs. Ralph Burkhart and grandparents, Mr. and Mrs. Henry Puppe; 30 Sixth grade students and their teacher Mr. Byrd, from Brownell School; 34 Eighth grade students and teachers and six mothers from St. Stanislaus School in Omaha; and Mr. Bill Langhorst from Geneva who celebrated his 100th birthday today. His father served in the two house legislature in the early 1900's.

ADJOURNMENT

At 12:13 p.m., on a motion by Mr. Rasmussen, the Legislature adjourned until 9:00 a.m., Monday, February 25, 1974.

Vincent D. Brown
Clerk of the Legislature

THIRTY-THIRD DAY—FEBRUARY 25, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 25, 1974

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Whitney presiding.

PRAYER

The prayer was offered by the Chaplain.

Eternal God, who has made us and designed us for companionship with Thee, who has called us to walk with Thee and not be afraid, forgive us if fear, unworthy thought, or sin has prompted us to hide from Thee.

Save us from all sins of intellect, not only from the error and ignorance which belong to our frailty but from the pride that would make us think ourselves sufficient for our tasks.

Forgive us for thinking of prayer as a waste of time, and help us to see that without it our labors are wasted effort.

O God, help us, guide us, and use us for Thy glory and our good. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Proud who was excused and Mr. Chambers who was absent until 10:10 a.m.

CORRECTIONS FOR THE JOURNAL

Page 701, line 27, correct spelling of "contribution".

Page 717, line 13, insert "Re." before "Engrossment".

The Journal for the Thirty-second Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

February 19, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 323, 598, 609, 611, 626, 653, 703, 717, 762, and 806.

These bills were signed by me on February 18, 1974 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

February 20, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 592 and 704.

These bills were signed by me on February 20, 1974 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

February 20, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 608, 639, 729, and 778.

These bills were signed by me on February 20, 1974 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

February 20, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 664, 666, and 715.
These bills were signed by me on February 20, 1974 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

February 21, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 683.
This bill was signed by me on February 20, 1974 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINION

Opinion No. 145
February 13, 1974

Dear Senator Burbach:

You have submitted to us a copy of a proposed bill which would authorize the Nebraska State Board of Agriculture to issue revenue bonds for the purpose of improving, constructing and equipping a grandstand, race track and related facilities on the Nebraska State Fairgrounds. The revenue and earnings from the race meetings conducted by the Board and the revenues from the operation of the Nebraska State Fairgrounds are to

be pledged for the redemption of such bonds. The bill provides that the bonds shall not be an indebtedness of the Nebraska State Board of Agriculture or of the State of Nebraska.

The bill also amends Section 2-1208.01 by exempting race meetings conducted by the State Board of Agriculture from the pari-mutuel tax imposed by that section. Section 6 of the bill provides in substance that the same amount which would otherwise be paid to the state as a tax under the provisions of Section 2-1208.01 shall, instead, be paid to the State Board of Agriculture for the purpose of retiring the revenue bonds referred to above.

There is some question as to whether this would be held to be special legislation in violation of Article III, Section 18 of the Nebraska Constitution, but we have finally concluded that the court would probably sustain this bill, subject to some qualifications which we will discuss later. The case of *Crete Mills v. Nebraska State Board of Agriculture*, 132 Neb. 244, 271 N. W. 684, held that the Nebraska State Board of Agriculture is essentially a private corporation, and not a governmental agency. However, Article XII, Section 1, provides in part:

“* * * No corporations shall be created by special law, nor their charters be extended, changed or amended, except those corporations organized for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state.” * * *

It is at least arguable that the Nebraska State Board of Agriculture is an educational, or perhaps, charitable corporation, and therefore subject to the “patronage” of the state. We note that Chapter 2, Article 1 of the statutes deals with the State Board of Agriculture only, and appears to be a special, rather than a general law. If the bill in question is special legislation, because it deals only with the State Board of Agriculture, rather than a defined class of corporations, it could be argued that Chapter 2, Article 1 is special legislation in its entirety. We believe that the special treatment of this corporation may be justified by the above quoted constitutional provision.

Furthermore, the question of classification was discussed in *Tom & Jerry, Inc. v. Nebraska Liquor Control Commission*, 183 Neb. 410, 160 N. W. 2d 233, in which the court said:

“The general rule as to classification for purposes of legislation is: ‘While it is competent for the Legislature to classify for purposes of legislation, the classification, to be valid, must rest on some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified.’ * * *.”

The State Board of Agriculture, while “essentially a private corporation,” is, nevertheless, given certain duties with respect to state business by Chapter 2, Article 1 of the Statutes, and can, therefore, be classified somewhat differently from ordinary private corporations for some purposes. The bill in question contemplates that the Board is to issue

the bonds and expend the proceeds for improving, constructing and equipping structures on the State Fairgrounds, which belong to the State of Nebraska. The tax which would otherwise be paid to the State of Nebraska is to be given to the Board for the purpose of retiring the bonds issued pursuant to the bill. We conclude that this constitutes reasonable justification for the exemption, and that there is therefore no unreasonable classification or special legislation.

There is, however, one problem which we must point out. Section 1 of the bill "authorizes" the Board to make the improvements, etc., and to issue the revenue bonds. There is nothing in the act requiring the Board to do so. On the other hand, the amendment of Section 2-1208.01 would exempt the Board from the tax, irrespective of whether or not the Revenue bonds were actually issued. Section 6 of the bill provides for the payment to the Board of the amount that would otherwise have been paid to the state as taxes, to be used to retire the revenue bonds issued pursuant to Section 1. No provision is made for the possibility that the revenue bonds are not issued, and the building program not started. Furthermore, there is no provision for the termination of the tax exemption and the payment to the Board upon the redemption of the bonds. It would seem that the exemption and payment to the Board should be contingent upon the issuance of the bonds, and should terminate upon their redemption.

Very truly yours,
CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ct
cc: Vincent D. Brown

UNANIMOUS CONSENT—Print in Journal

Mr. Kelly asked unanimous consent to print the following amendments to LB 677 in the Journal. No objections. So ordered.

Amendments to LB 677

1. On page 2, strike beginning with the comma in line 4 through "1973" in line 5 and insert "for any elective state office named in the Constitution of Nebraska"; in line 6 following "upon" insert "entering any financial transactions preliminary to"; in line 23 strike the second "and" and insert a comma; and in line 26 insert ", and shall be signed by a person authorized to sign checks drawn against the account" after "employment".

2. On page 3, line 9, strike "accepted by" and insert "made to"; strike lines 11 to 14 and renumber section 6 as section 5; insert "business" after "first" in lines 17, 24, and 26 and after "fifteenth" in line 22; and at the end of line 27 insert "No such report shall be required for any period

during which there have been made no deposits to or withdrawals from the account. The form of such reports shall be prescribed and furnished by the Secretary of State."

3. On page 4, renumber sections 7 and 9 as sections 6 and 8; in line 2 strike "on the"; strike lines 3 to 12 and insert "mail to the Secretary of State copies of the ledger sheet or account showing all deposit amounts and checks or other withdrawal amounts on the account made by the candidate covered by section 2 of this act at the same time and in the same manner as set forth in section 5 of this act. No liability toward any candidate shall accrue to such bank because of compliance with this section.

Sec. 7. Any campaign expense or obligation remaining unpaid on election day shall be reported to the Secretary of State as an outstanding obligation of the candidate. The report shall list the dollar amount and the name, address, and occupation of the obligee."; and in line 13 insert "wilfully" after "shall".

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 293. Replaced on Select File as amended.
E & R amendments to LB 293:

1. On page 4, line 1, strike the commas.
2. On page 9, line 12, strike "or".
3. On page 17, line 16, strike "and"; and in line 20 strike the period and insert "; and".
4. On page 32, line 14, insert "if" after "or".

LEGISLATIVE BILL 888. Replaced on Select File as amended.
E & R amendment to LB 888:

1. In committee amendments, page 2, line 5, strike "and".

LEGISLATIVE BILL 954. Replaced on Select File as amended.
E & R amendment to LB 954:

1. On page 2, line 18, strike the comma and insert an underscored comma after "capital".

LEGISLATIVE BILL 925. Replaced on Select File as amended.
E & R amendment to LB 925:

1. On page 2, line 7, strike "State" and insert "Nebraska"; and in lines 20 and 21, as amended, strike "such nominee" and insert "fiscal agent authorized by section 72-1250".

LEGISLATIVE BILL 811. Replaced on Select File as amended.
E & R amendments to LB 811:

1. In committee amendments, page 10, line 11, reinstate the stricken matter and at the end of the line insert "person".
2. In committee amendments, page 11, line 7, strike "show" and insert "~~show~~".
3. In committee amendments, page 26, line 19, strike "25-1601,".
4. In the title, as amended, line 7, strike "71-7,107.14" and insert "71-1,107.14"; and in line 10, strike "25-1601,".

LEGISLATIVE BILL 790. Replaced on Select File as amended.
E & R amendment to LB 790:

1. On page 7, line 19, strike "district" and insert "~~district~~ region".

LEGISLATIVE BILL 813. Placed on Select File as amended.
E & R amendments to LB 813:

1. On page 3, line 24, strike "(1)" and show as stricken.
2. In substitute committee amendment 1, line 3, insert "showing old matter stricken" after "4".
3. In lines 3, 9, and 17 of new section 3 as amended by the Mahoney amendment 1, insert "the" before "Metropolitan".
4. In the Mahoney amendment 1, line 2, strike "line 4" and insert "line 5"; and in lines 2 and 3, strike ", showing as stricken".
5. In the Richendifer amendment 1, strike lines 1 to 3 and insert "1. In new section 3, strike beginning with the comma in line 4 through the period in line 8 and insert: "; and in line 5 strike the comma.
6. In line 1 of the Mahoney amendment 2, strike the last comma.
7. Renumber new section 5, added by the Richendifer amendment 2, as section 4, new section 4, added by the substitute committee amendments, as section 5, and original section 3 as section 6, and strike the Richendifer amendment 3.
8. In the title, line 9, insert "to provide for a campus;" after the semicolon.

Correctly Engrossed

The following bill was correctly re-engrossed: 652.

The following bills were correctly engrossed: 604, 612, 613, 621, 636, 641, 645, 662, 674, 675, 712, 716, 732, 756, 765, 766, 767, 804, 912 and 944.

(Signed) John J. Cavanaugh, Chairman

COMMUNICATION

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, D. C. 20590

February 22, 1974
RE: HTO-21

Mr. Vincent D. Brown
Clerk of the Legislature
Legislative Council
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

This is in reply to your letter dated February 6, 1974, and also your letter dated February 6 to Secretary Brinegar, which enclosed copies of Nebraska Legislature Resolution 111 concerning the tourist information signs.

These information signs do not conform to the national standards for highway signing as contained in the "Manual on Uniform Traffic Control Devices" and the installation was originally approved by the Federal Highway Administration as an experimental project. The conditions of the experiment required that the signs be considered temporary in nature and that a report of the test be submitted by the State to this Administration. In accordance with the procedures outlined in the Manual, the test report was reviewed and evaluated by the Subcommittee on Signs of the National Advisory Committee on Uniform Traffic Control Devices. The Subcommittee unanimously recommended that the use of the information signs be discontinued. The Committee as a whole recommended removal and such action was approved by the Federal Highway Administration on July 5, 1973.

The finding at the time of action was that the tourist information signs could be accomplished under the "National Standards for Directional and Other Official Signs" dated February 1969. Under these standards directional signs are defined as signs containing directional information about publicly or privately owned natural phenomena, historic, cultural,

scientific, educational and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation deemed to be in the interest of the traveling public. These directional signs when in conformance with the standards may be erected adjacent to the right-of-way of Interstate and primary highways within the 660-foot zone controlled by the Highway Beautification Act of 1965.

The decision requiring removal of the tourist information signs by June 1, 1974, by the Nebraska Department of Roads shall stand.

We trust the above information will be satisfactory for your presentation to the legislature.

Sincerely yours,

(Signed) Norbert T. Tiemann
Federal Highway Administrator

STANDING COMMITTEE REPORTS
Urban Affairs
(Corrected Standing Committee Report)

LEGISLATIVE BILL 1027. Indefinitely Postponed.

(Signed) Duke Snyder, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 466. Indefinitely Posponed.

LEGISLATIVE BILL 787. Placed on General File.

LEGISLATIVE BILL 788. Placed on General File.

LEGISLATIVE BILL 905. Placed on General File as amended.
Standing Committee amendment to LB 905:

1. On page 3, line 26, insert "earned each
calendar year commencing January 1, 1975, as" after "interest".

2. On page 4, line 7, insert ", commencing
January 1, 1975," after "year"; and reinstate the stricken
matter in lines 8 to 13 and in line 8 after the reinstated
"1" insert ", 1975,".

3. On page 8, line 25, insert "earned each
fiscal year commencing July 1, 1974, as" after "interest".

4. On page 11, line 13, strike "at a rate" and
insert "earned each fiscal year commencing July 1, 1974, as".

5. On page 12, reinstate the stricken matter
in line 6; and strike the new matter; and in line 9 insert
"earned commencing July 1, 1974" after "interest".

6. On page 15, line 2, insert "earned each
calendar year commencing January 1, 1975, as" after "interest";

in line 10, insert "commencing January 1, 1975," after "year"; and reinstate the stricken matter in lines 11 to 16 and in line 11 insert ", 1975," after the reinstated "1".

(Signed) Ramey C. Whitney, Chairman

Labor

LEGISLATIVE BILL 642. Indefinitely postponed.
LEGISLATIVE BILL 659. Indefinitely postponed.
LEGISLATIVE BILL 770. Indefinitely postponed.
LEGISLATIVE BILL 843. Indefinitely postponed.
LEGISLATIVE BILL 898. Indefinitely postponed.
LEGISLATIVE BILL 907. Indefinitely postponed.
LEGISLATIVE BILL 947. Indefinitely postponed.

LEGISLATIVE BILL 696. Placed on General File as amended.
Standing Committee amendment to LB 696:

1. On page 2, lines 4 and 5, strike "appliances, supplies,"; in line 7 strike "which are"; beginning on line 8 strike all new matter and reinstate all stricken matter in the remainder of the bill; and on page 2, line 15 insert ", prosthetic devices," after "services".

LEGISLATIVE BILL 726. Placed on General File as amended.
Standing Committee amendment to LB 726:

1. On page 2, line 4 strike "Governor's" and show as stricken matter, lines 8 and 9 strike "the membership on the commission shall be equally divided between the two major political parties" and insert: "the membership on the commission shall not consist of more than half of the members from one political party."

LEGISLATIVE BILL 775. Placed on General File.
LEGISLATIVE BILL 807. Placed on General File.
LEGISLATIVE BILL 808. Placed on General File.

LEGISLATIVE BILL 861. Placed on General File as amended.
Standing Committee amendments to LB 861:

1. On page 4, reinstate the stricken matter in lines 1 to 6; in line 6 before "Public" insert "(7)" and make a new paragraph; in line 12 after "filing" insert ";" Provided, that public records shall not mean a record which is required by law to be treated in a confidential manner"; and strike original subdivisions "(7) to (10)" and show as stricken and insert subdivisions "(8) to (11)" respectively.

2. On page 5, line 15 reinstate "(42)" and strike "(11)"; and in line 19 reinstate "(43)" and strike "(12)".

3. On page 8, line 7 reinstate "Director" and strike "state archivist"; and in line 8 reinstate "the state archivist,".

LEGISLATIVE BILL 881. Placed on General File.
LEGISLATIVE BILL 882. Placed on General File.

LEGISLATIVE BILL 897. Placed on General File as amended.
Standing Committee amendments to LB 897:

On page 10 add a new section to be known as section 11 and to read as follows:

"Sec. 11. The State of Nebraska is divided into two time zones which boundaries are determined by the United States Secretary of Transportation. At all elections in that area lying within the Mountain Standard or Mountain Daylight time, the polls shall open at 7 a.m. and close at 7 p.m. of the same day and that area lying within the Central Standard or Central Daylight time, the polls shall be open at 8 a.m. and close at 8 p.m. of the same day.

Upon opening the polls one of the judges of election shall make a proclamation of the same and at least thirty minutes before the closing of the polls proclamation shall be made in like manner that the polls will be closed in one half hour.

If the judges and clerks appointed to the election boards shall not attend the polls at the hour of 7 a.m. or 8 a.m., whichever the case may be, or if it shall be necessary for the electors present to appoint judges and clerks or any of them, as prescribed in section 32-407, the polls may, in that case, be opened at any time before the time for closing the same shall arrive, as the case may require. If at the hour of closing there are any electors desiring to vote who are in the polling place or in a line, and who are qualified to participate therein, and have not been able to do so since appearing at the polling place, the polls shall be kept open reasonably long enough after the hour for closing to allow those present at that hour to vote. No person arriving after the hour of 7 p.m. or 8 p.m., whichever the case may be, shall be entitled to vote because the polls may not actually be closed when he arrives.

The county clerk or election commissioner may authorize precinct election boards to release partial or all returns immediately upon the closing of the polls.

In those counties holding their elections under Mountain Standard or Mountain Daylight time the election boards shall commence their duties one hour earlier than provided by law and shall be paid accordingly."

2. Renumber original section 11 as section 12.

3. On page 10 line 25 strike "and 32-427" and insert ",32-427, 32-445, 32-446, and 32-439.01," and on line 26 after "1943," insert "section 32-447, Revised Statutes Supplement, 1972,".

LEGISLATIVE BILL 951. Placed on General File.

LEGISLATIVE BILL 1007. Placed on General File as amended.
Standing Committee amendment to LB 1007:

1. On page 2 after line 22 insert "All purchases made from appropriated funds of the county shall be made through the purchasing agent."

(Signed) Richard Maresh, Chairman

Public Works

LEGISLATIVE BILL 876. Placed on General File as amended.
Standing Committee amendments to LB 876:

1. On page 2, line 8 strike "five" and insert "ten", after "days" insert a ".", and strike "for the" and show as stricken; strike line 9 and show as stricken; in line 13 strike "and hour"; and in line 20 strike "and time".

2. On page 3, line 13 strike "five" and insert "ten" and after days insert a "."; and strike line 14 to the period and show as stricken.

(Signed) Maurice Kremer, Chairman

Education

LEGISLATIVE BILL 615. Indefinitely postponed.
LEGISLATIVE BILL 667. Indefinitely postponed.
LEGISLATIVE BILL 798. Indefinitely postponed.
LEGISLATIVE BILL 838. Indefinitely postponed.
LEGISLATIVE BILL 847. Indefinitely postponed.
LEGISLATIVE BILL 899. Indefinitely postponed.
LEGISLATIVE BILL 900. Indefinitely postponed.
LEGISLATIVE BILL 901. Indefinitely postponed.
LEGISLATIVE BILL 902. Indefinitely postponed.
LEGISLATIVE BILL 927. Indefinitely postponed.
LEGISLATIVE BILL 964. Indefinitely postponed.
LEGISLATIVE BILL 973. Indefinitely postponed.
LEGISLATIVE BILL 989. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

Public Health and Welfare

LEGISLATIVE BILL 908. Indefinitely postponed.

LEGISLATIVE BILL 660. Placed on General File as amended.
Standing Committee amendments to LB 660:

1. On page 2 add a new section to be known as section 1 and to read as follows:

"Section 1. As used in this act, unless the context otherwise requires:

(1) Local government shall mean a municipality, a county or a transit authority created and operated under state law.

(2) Federal government shall mean the United States of America, or any agency or instrumentality, corporate or otherwise, of the United States of America.

(3) State government shall mean the State of Nebraska or an agency of the State of Nebraska as designated by law."

2. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

3. On page 2, lines 3 and 4 strike "and county subdivisions of", line 7 strike "and county subdivisions of" and adding after "government" the words "shall be authorized to", line 8 by striking "which" and insert "and" before "shall", line 12 by striking "sixty-five" and insert "sixty", line 16 by striking "and county subdivisions of" and inserting "shall be authorized to operate" after "government", and line 17 strike "operating", and line 18 by inserting "and" before "shall", line 26 strike "and".

4. On page 3, strike line 1 and insert "(3) In counties with a population under one hundred fifty thousand inhabitants local government"; in line 13 after "contributions" insert "; and

(4) Nothing in this section shall permit the utilization of any school district funds for transportation of the elderly."

5. Add a new section to be known as section 4 and to read as follows:

"Sec. 4. Any county or incorporated municipality may make contributions, in such amounts and at such times as its governing board deems proper, to any nonprofit organization which has been formed for the purpose of furnishing transportation for the handicapped and for persons sixty years of age and older and for their spouses."

6. Renumber original section 3 as section 5.

LEGISLATIVE BILL 953. Placed on General File as amended.
Standing Committee amendment to LB 953:

1. On page 4, line 6, reinstate the stricken matter.

LEGISLATIVE BILL 957. Placed on General File as amended.
Standing Committee amendments to LB 957:

1. Strike original sections 1 to 4 and insert the following:

"Section 1. The clerks of the district courts shall examine all open case files within their respective offices and determine the arrearages in child support payments in each case where support has been ordered by the court. In all such cases where support is in arrears more than ninety-days or where arrearages have accumulated to total three months of arrearages when computed upon the court order for support, the clerk shall give written notice to the Director of Motor Vehicles. The Director of Motor Vehicles shall examine his records to determine if the obligor of support payments delinquent more than ninety-days has been issued a motor vehicle operator's license.

Sec. 2. The Department of Motor Vehicles shall issue a notice to any person reported by the clerk to be delinquent in child support payments as provided in section 1 by mailing, by certified mail, to the address contained on the license a notice of hearing which shall contain the time and place of a hearing for suspension of the license for failure to pay child support. The hearing shall be before a hearing officer appointed by the director for that purpose and whose duty shall be to determine if child support has not been paid for a period of sixty days or longer. If the evidence introduced at the hearing shall show that the charge contained in the notice is true, the hearing examiner shall certify such fact to the Director of Motor Vehicles who shall, in turn, enter an order suspending the license to operate a motor vehicle and the privilege of operating a motor vehicle within this state except as is absolutely required as a condition of his employment and to and from the

licensee's place of employment and his residence by the most direct route. In order to qualify for the employment exemption provided herein, the licensee shall provide the director with a sworn affidavit from his employer to establish the necessity for operating a motor vehicle as a condition of employment. A certified copy of arrearages from the clerk shall constitute a presumption that child support has not been paid for the periods and in such amounts as indicated thereon by the clerk. Any person in possession of a license suspended by the director shall tender the license to the department for notation of the restriction thereon.

Sec. 3. The director may direct any peace officer to obtain the suspended license if the license is not returned voluntarily for notation of the restricted use. Any person who shall refuse to surrender the license to a peace officer upon demand shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum not to exceed one hundred dollars or be imprisoned in the county jail for a period not to exceed ninety days or by both such fine and imprisonment.

Sec. 4. The suspension order entered by the director may be appealed to the district court having jurisdiction in the manner prescribed by section 60-420. The court may enter an order staying the suspension until such time as the matter may be tried, provided however, that all such appeals shall be heard within thirty days of the date filed. No license shall be reinstated by the court if arrearages have not been paid.

Sec. 5. Any person whose license has been revoked pursuant to this act, may apply for reinstatement of the license to the Director of Motor Vehicles. The application for reinstatement shall contain satisfactory evidence that all child support has been paid to the date of the application filed. Upon payment of a reinstatement fee of ten dollars to the director, the license may be reinstated for the period remaining to renewal date.

Sec. 6. This act shall become operative on September 1, 1974.

LEGISLATIVE BILL 961. Placed on General File as amended.
Standing Committee amendments to LB 961:

1. On page 2, line 8 insert "having jurisdiction over the minor children of the parties" after "court".

2. On page 2, strike line 11 commencing with the word "Such", strike lines 12 to 15 and insert:

"The clerks of the district courts shall maintain delinquency records in each case docketed in which child support is fixed by order of the court. Each month the clerk shall certify all delinquent cases of more than thirty days duration to the judge presiding over domestic relations cases. In each case certified, if no action is pending for the collection of delinquent support payments, the court shall appoint an attorney to commence contempt of court proceedings. The contempt proceeding shall be instituted within ten days following appointment and the case shall be diligently prosecuted to".

3. On page 2, line 19 insert "when" after "or".

LEGISLATIVE BILL 965. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 640.

A BILL FOR AN ACT to amend sections 77-27,149, 77-27,150, 77-27,151, and 77-27,155, Revised Statutes Supplement, 1972, relating to the Water Pollution Control Tax Refund Act; to redefine terms; to broaden the act to include air pollution; to extend the duties of the Department of Health and the Department of Environmental Control; to provide how the act may be cited; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Carpenter	C. Carsten	F. Carstens	Clark	DeCamp
Dickinson	Duis	Fellman	Hasebroock	Johnson
Kelly	Kennedy	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Rasmussen
Richendifer	Schmit	Snyder	Stahmer	Stromer
Stull	Waldron	Warner	Wiltse	

Voting in the negative, 9:

Barnett	Burbach	Cavanaugh	Epke	Keyes
Savage	Simpson	Skarda	Syas	

Not voting, 6:

Anderson	Chambers	Fowler	Goodrich	Proud
Whitney				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 684.

A BILL FOR AN ACT relating to criminal procedure; to provide for issuing writs of subpoena in criminal misdemeanor cases; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Johnson
Keyes	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Nore
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 5:

Hasebroock	Kelly	Kennedy	R. Lewis	Rasmussen
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Not voting, 5:

Chambers	Goodrich	Kime	Murphy	Proud
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 223A. By Kennedy, 21st District.

A BILL FOR AN ACT to appropriate thirty-nine thousand forty-one dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Workmen's Compensation Court, Agency No. 37 for Program 530, Workmen's Compensation and Adjudication, to aid in carrying out the provisions of Legislative Bill 223, Eight-third Legislature, First Session, 1973.

SELECT FILE

LEGISLATIVE BILL 827.

Mr. Moylan moved to readvance LB 827 to final reading. The motion prevailed.

LEGISLATIVE BILL 327. E & R amendments found in the Journal on page 705 for the Thirty-second day were adopted.

Mr. Waldron offered the following amendment:

1. Strike sections 1 to 25 and insert the following:

"Section 1. This act shall be construed liberally to promote the following policies:

(1) To simplify, clarify, and modernize the law governing consumer sales practices;

(2) To protect consumers from suppliers who commit unfair and deceptive, or unconscionable sales practices, or who participate in pyramid sales schemes;

(3) To encourage the development of fair consumer sales practices; and

(4) To make state regulation of consumer sales practices not inconsistent with the policies of the Federal Trade Commission Act relating to consumer protection.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Consumer transaction shall mean an agreement, whether or not otherwise enforceable by action, for a sale, lease, assignment, award by chance, or other disposition of an item of goods, a service, or an intangible, except securities, to an individual for purposes that are primarily personal, family, or household, or that relate to a business opportunity that requires both his expenditure of money or property and his personal services on a continuing basis and in which he has not been previously engaged, and shall include the entire process of soliciting, negotiating, making, performing, and enforcing such agreements. Consumer transaction shall not encompass the sale, lease, assignment, or other disposition of real estate or of any interest in real estate;

(2) Attorney General shall mean the Attorney General or his authorized representative;

(3) Final judgment shall mean a judgment, including any supporting opinion, that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired;

(4) Person shall mean an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, cooperative, or any other legal entity;

(5) Pyramid sales scheme shall mean any plan or operation for the consummation of consumer transactions wherein one or more persons acquire, for consideration, the opportunity to receive a pecuniary benefit (a) which is not primarily contingent upon the volume or quantity of goods, services, or other property sold or distributed or to be sold or distributed to persons for resale to consumers, and (b) which is based upon the inducement of additional persons, by himself or others, to participate in the same plan or operation. Consideration as used in this subdivision shall not include payment for sales demonstration equipment and materials furnished at cost for use in making sales and not for resale or payments amounting to less than one hundred dollars when computed on an annual basis;

(6) Supplier shall mean a seller, lessor, assignor, or other person who regularly solicits, engages in, or enforces consumer transactions, whether or not he deals directly with the consumer; and

(7) Violation shall mean noncompliance with the provisions of this act or any rule or regulation promulgated thereunder.

Sec. 3. A consumer transaction entered into in this state as part of a pyramid sales scheme shall be a violation of this act, and shall be void ab initio.

Sec. 4. (1) An unfair or deceptive act or practice by a supplier in connection with a consumer transaction shall be a violation of this act.

(2) Without limiting the scope of subsection (1) of this section, the act or practice of a supplier in representing any of the following shall be unfair or deceptive that:

(a) The subject of a consumer transaction has sponsorship, approval, performance, or other characteristics, accessories, uses, or benefits it does not have;

(b) The subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not;

(c) The subject of a consumer transaction is new, or unused, if it is not, or that it has been used to an extent that is materially different from the fact;

(d) The subject of a consumer transaction has been supplied or is available to the consumer for a reason that does not exist;

(e) The subject of a consumer transaction has been supplied in accordance with a previous representation, if it has not;

(f) The subject of a consumer transaction will be supplied in greater quantity than the supplier intends;

(g) Repair or replacement is needed, if it is not;

(h) A specific price advantage exists, if it does not;

(i) The supplier has a sponsorship, approval, or affiliation he does not have;

(j) Any writing used to evidence the transaction conforms to the requirements of the Federal Consumer Credit Protection Act, 15 U.S.C. 1601 et seq., or the requirements of Chapter 45, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, if it does not;

(k) A consumer transaction involves or does not involve a warranty, a disclaimer of warranties, particular warranty terms, or other rights, remedies, or obligations if the representation is false;

(l) The consumer will receive a rebate, discount, or other benefit as an inducement for entering into a consumer transaction in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if receipt of the benefit is contingent upon an event to occur after the consumer enters into the transaction; or

(m) The subject of a consumer transaction has a composition, designation, or identity that it does not have.

Sec. 5. (1) An unconscionable act or practice by a supplier in connection with a consumer transaction shall be a violation of this act.

(2) The unconscionability of an act or practice shall be a question of law for the court. If it is claimed or appears

to the court that an act or practice may be unconscionable, the parties shall be given a reasonable opportunity to present evidence as to its setting, purpose, and effect to aid the court in making its determination.

(3) In determining whether an act or practice is unconscionable, the court shall consider circumstances such as the following, of which the supplier knew or had reason to know:

(a) He took advantage of the inability of the consumer reasonably to protect his interests because of his physical infirmity, ignorance, illiteracy, lack of education or experience, inability to understand the language of the agreement, or similar factors;

(b) When such consumer transaction was entered into the price grossly exceeded the price at which similar property or services were readily obtainable in a similar transaction by like consumers, or by other tests of true value;

(c) When such consumer transaction was entered into the consumer was unable to receive a substantial benefit from the subject of the transaction;

(d) When such consumer transaction was entered into there was no reasonable probability of payment of the obligation in full by such consumer;

(e) The transaction he induced the consumer to enter into was excessively one sided in favor of the supplier;

(f) The natural effect of the term, act, or practice in question is to cause consumers to misunderstand the true nature of the transaction, or their rights and duties; or

(g) The terms of the writing evidencing the transaction include the waiver of any rights or defenses of the consumer, or terms prohibited by the law or public policy of this state.

Sec. 6. The Attorney General or his staff, designate, or representative shall have the primary responsibility for the implementation and enforcement of the provisions of this act.

Sec. 7. (1) The district, county, municipal, and Small Claims Courts shall have concurrent jurisdiction over any supplier as to any act or practice in this state governed by this act or as to any claim arising from a consumer transaction subject to this act insofar as the action brought is consistent with the jurisdiction competency of the courts as defined in Chapter 24, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

(2) In addition to any other method provided by statute, personal jurisdiction over a supplier may be acquired in a civil action or proceeding instituted in the district court by the service of process in the following manner: If a supplier engages in any act or practice in this state governed by this act, or engages in a consumer transaction subject to this act, he may designate an agent upon whom service of process may be made in this state. Such agent shall be a resident of or a corporation authorized to do business in this state. Such designation shall be in writing and filed with the Secretary of State. If no designation is made and filed, or if process cannot be served in this state upon the designated agent, whether or not the sup-

plier is a resident of this state or is authorized to do business in this state, process may be served upon the Secretary of State, but service upon him shall not be effective unless the plaintiff promptly mails a copy of the process and pleadings by certified mail to the defendant at his last reasonably ascertainable address. An affidavit of compliance with this section shall be filed with the clerk of the court on or before the return day of the process, if any, or within any future time the court allows.

Sec. 8. (1) The Attorney General shall:

(a) Aid in the enforcement of this act throughout the state;

(b) Cooperate with state and local officials, officials of other states, and officials of the federal government in the administration of comparable statutes;

(c) Inform consumers and suppliers on a continuing basis of the provisions of this act and of acts or practices that violate this act, including mailing information concerning final judgments to persons who request it, for which he may charge a reasonable fee to cover the expense;

(d) Establish programs for the education of consumers with respect to sales practices and consumer problems;

(e) Receive and act on complaints;

(f) Maintain a public file of (i) final judgments rendered under the provisions of this act that have been either reported officially or made available pursuant to subdivision (1) (c) of this section, or subsection (4) of section 13 of this act, and (ii) to the extent the Attorney General considers appropriate for use as precedent, assurances of voluntary compliance;

(g) Report annually on or before January 1 to the Governor and Legislature on the operations of his office and on the acts or practices occurring in this state that violate this act. Such report shall include a statement of the investigatory and enforcement procedures and policies of his office, of the number of investigations and enforcement proceedings instituted and of their disposition, and of the other activities of his office and of other persons to carry out the purposes of this act;

(h) Adopt appropriate procedural rules for the performance of his responsibilities under this act; and

(i) Adopt substantive rules that prohibit with specificity acts or practices that violate the provisions of section 3, 4, or 5 of this act. In adopting such rules the Attorney General shall take cognizance of and be guided by court interpretations of this act and the interpretations given by the Federal Trade Commission and the federal courts to section (5) (a) (1) of the Federal Trade Commission Act, 15 U.S.C., section 45 (a) (1), as from time to time amended, and rules and regulations promulgated thereunder, and shall further take cognizance of definitions or interpretations of unconscionability in statutes, regulations, rules, and decisions of legislative, administrative, or judicial bodies in this state or elsewhere.

(2) Any administrative actions taken by the Attorney General under the provisions of this act shall be taken in accordance with

the provisions of Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

(3) In carrying out his duties, the Attorney General shall not publicly disclose the identity of any person investigated unless his identity has become a matter of public record in an enforcement proceeding or such person has consented to public disclosure.

Sec. 9. The Attorney General may conduct research, hold public hearings, make inquiries or investigations, and publish studies relating to consumer sales acts or practices.

Sec. 10. (1) If, by his own inquiries or as a result of complaints, the Attorney General has good cause to believe that a person has engaged in, is engaging in, or is about to engage in an act or practice that violates this act, he may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence.

(2) If matter that the Attorney General subpoenas is located outside this state, the person subpoenaed may either make it available to the Attorney General at a convenient location within the state or pay the reasonable and necessary expenses for the Attorney General or his representative to examine the matter at the place where it is located. The Attorney General may designate representatives, including officials of the state in which the matter is located, to inspect the matter on his behalf, and he may respond to similar requests from officials of other states.

(3) Upon failure of a person without lawful excuse to obey a subpoena and upon reasonable notice to any person affected, the Attorney General may apply to the district court of Lancaster County for an order compelling compliance.

4. The Attorney General may request that an individual who refuses to comply with a subpoena on the ground that testimony or matter may incriminate him be ordered by the court to provide the testimony or matter. Except in a prosecution for perjury or false swearing, an individual who complies with a court order to provide testimony or matter after asserting a privilege against self-incrimination to which he is entitled by law, shall not be subjected to a criminal proceeding with respect to such transaction concerning which he is required to testify or produce relevant matter. This subsection shall not apply to damages recoverable under subsection (2) of section 13 of this act or to civil sanctions imposed under subsection (1) of section 11 of this act.

Sec. 11. (1) Upon completion of his investigation the Attorney General may bring an action (a) to obtain a declaratory judgment that an act or practice violates this act, or (2) to enjoin, in accordance with the principles of equity, a supplier who has violated, is violating, or is likely to violate this act. (2) The Attorney General may terminate an investigation upon acceptance of a supplier's written assurance of voluntary compliance with this act. Acceptance of an assurance may be conditioned on a commitment to reimburse consumers or take other appropriate

corrective action. An assurance shall not be evidence of a prior violation of this act. Unless an assurance has been rescinded by agreement of the parties or voided by a court for good cause, subsequent failure to comply with the terms of an assurance shall be prima facie evidence of a violation of this act.

Sec. 12. (1) If the Attorney General receives a complaint or other information relating to noncompliance with this act by a supplier who is subject to other supervision in this state, the Attorney General shall inform the official or agency having that supervision. The Attorney General may request and receive information about such suppliers from such official or agency.

(2) The Attorney General and any other official or agency in this state having supervisory authority over a supplier shall consult and assist each other in maintaining compliance with this act. Within the scope of their authority, they may jointly or separately make investigations, prosecute suits, and take other official action they consider appropriate.

Sec. 13. (1) Whether he seeks or is entitled to damages or has an adequate remedy at law, a consumer may bring an action to (a) obtain a declaratory judgment that an act or practice violates this act, or (b) enjoin, in accordance with the principles of equity, a supplier who has violated, is violating, or is otherwise likely to violate this act.

(2) A consumer who suffers loss as a result of a violation of this act shall, upon a judgment thereon in his favor, recover actual damages or liquidated damages in an amount which bears a reasonable relation to the actual damages which have been sustained and which damages are not susceptible of measurement by ordinary pecuniary standards, in addition to the costs of the action and reasonable attorney's fee.

(3) A final judgment in favor of the state under the provisions of section 11 of this act shall be admissible as prima facie evidence of the facts upon which it is based in later proceedings under this section against the same defendant or a person in privity with him. For the purposes of this subsection final judgment shall not mean a consent of judgment.

(4) When a judgment under this section becomes final, the clerk of the court shall mail a copy to the Attorney General for inclusion in the public file maintained pursuant to the provisions of section 8 of this act.

(5) An action under this section shall be brought within four years after the occurrence of a violation of this act. When a supplier sues a consumer, the consumer may assert as a counterclaim or otherwise any claim under this act arising out of the transaction on which suit is brought by the supplier.

Sec. 14. Any person who willfully violates the terms of an injunction or declaratory judgment of the court or the terms of a written assurance of voluntary compliance entered into pursuant to this act shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not more than ten thousand dollars or by imprisonment in the Nebraska Penal and Correctional Complex for not more than five years, or by both such fine and imprisonment.

Sec. 15. Nothing in this act shall be construed to create a right of action against any of the media with regard to advertising by parties offering services or commodities in a manner inconsistent with the provisions of this act. The Attorney General shall seek compliance to the terms of this act solely from the party offering the goods and services and he shall not place any enforcement responsibility or liability on any media for accepting or printing paid advertising.

Sec. 16. (1) This act shall not apply to:

(a) An act or practice required or specifically permitted by or under federal law, or by state law;

(b) A publisher, broadcaster, printer, or other person engaged in the dissemination of information or the reproduction of printed or pictorial matter insofar as the information or matter has been disseminated or reproduced on behalf of others;

(c) A claim for personal injury or death or a claim for damage to property other than the property that is the subject of the consumer transaction;

(d) Actions or transactions otherwise permitted, prohibited, or regulated under laws administered by the Director of Insurance or the Public Service Commission;

(e) Any actions or transactions on the part of any public power and irrigation district, public power district, electric membership association, or cooperative or municipality engaged in furnishing electrical service to customers at retail or wholesale, if otherwise permitted by law; or

(f) The credit terms of a transaction otherwise subject to the provisions of this act.

(2) A person alleged to have violated this act has the burden of showing the applicability of this section.

Sec. 17. Any statute or rule of law restricting admissibility of parol evidence shall be inoperative to exclude or limit the admissibility of evidence of an act or practice in violation of this act.

Sec. 18. The remedies of this act shall be in addition to remedies otherwise available for the same conduct under state or local law.

Sec. 19. This act may be cited as the Nebraska Consumer Sales Practices Act.

Sec. 20. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 21. This act shall become operative on January 1, 1975.

Sec. 22. That Chapter 87, article 3, Reissue Revised Statutes of Nebraska, 1943, is repealed."

Mr. Carpenter moved the previous question. The question is, "Shall the debate close?" The motion prevailed with 25 ayes, 2 nays and 22 not voting.

The Chair ruled no questions could be asked after the debate closed.

Mr. Murphy appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 15 ayes, 21 nays and 13 not voting.

Mr. Waldron moved for a Call of the House. The motion prevailed with 24 ayes, 12 nays and 13 not voting.

The Call showed 47 members present.

Mr. DeCamp moved the Call be raised.

The motion prevailed with 16 ayes, 10 nays and 13 not voting.

Mr. Waldron requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Anderson	Barnett	Carpenter	C. Carsten	Cavanaugh
Chambers	Fellman	Fowler	Keyes	Kime
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Syas	Waldron	

Voting in the negative, 22:

Burbach	Clark	Decamp	Dickinson	Duis
Epke	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Kremer	R. Lewis	Marvel	Moylan
Murphy	Nore	Rasmussen	Stromer	Stull
Warner	Whitney			

Not voting, 3:

F. Carstens Proud Wiltse

The amendment lost with 24 ayes, 22 nays and 3 not voting.

Mr. Murphy moved to advance LB 327 to E & R for Engrossment. The motion prevailed with 25 ayes, 17 nays and 7 not voting.

LEGISLATIVE BILL 721. Mr. Carpenter offered the following amendments:

1. Insert two new sections to be known as sections 1 and 2, and to read as follows:

"Section 1. That section 8-115.01, Revised Statutes Supplement,

2 1973, be amended to read as follows:

3 8-115.01. When an application required by the provisions of

4 section 8-120 is made by a corporation for a new bank charter or

5 for transfer of a bank charter to any location other than within

6 the corporate limits of the city or village of its original charter,
7 notice of the filing of the application shall be published by the
8 Department of Banking three weeks in a legal newspaper published
9 in or of general circulation in the county where the applicant
10 proposes to operate the bank or where the transfer is contemplated.
11 The expense of the publication shall be paid by the applicant. A
12 public hearing shall be held on each application. The date for
13 hearing the application shall not be more than ninety days after
14 filing the application and not less than thirty days after the last
15 publication of notice, except that in the case of an emergency
16 so declared by the Governor, the Secretary of State and the Director
17 of Banking, then the Director of Banking will take immediate
18 action on any charter application or applications concerned with-
19 out the benefit of a hearing. A move of any state bank's main
20 office within the city or village of its original charter shall
21 not be considered a transfer of charter within the meaning of this
22 section, but an application for such a move must be made to the
23 Department of Banking and be approved by the director. Upon re-
24 ceiving such application, the director shall give notice of such
25 intended move by certified mail to all banks, and such other in-
26 terested parties as the director shall determine, located within
27 the corporate limits of such city or village. Should the director receive any
28 objection to such move within ten days of mailing such notice, he shall publish
29 a notice and hold a hearing as provided in this section for the transfer of a
30 bank outside the corporate limits of the city or village of its original charter.

Sec. 2. That section 8-124, Revised Statutes Supplement, 1973, be
2 amended to read as follows:

3 8-124. The affairs and business of any bank chartered after September
4 2, 1973, or which has had transfer of twenty-five per cent or more of voting
5 shares after September 2, 1973, shall be managed or controlled by a board of
6 directors of not less than five and not more than fifteen members, who shall be
7 selected from the stockholders at such time and in such manner as may be pro-
8 vided by the articles of incorporation of the corporation and in conformity
9 with the provisions of sections 8-101 to 8-1,122. Any bank chartered before
10 September 2, 1973 may have a minimum of three directors and not more than fifteen
11 directors so long as it does not have transfer of twenty-five per cent or more
12 voting shares, with such directors selected as provided in this section. Any
13 vacancy on the board shall be filled within ninety days by appointment by the
14 remaining directors, and any director so appointed shall serve until the next
15 election of directors, except that if the vacancy created leaves a minimum of
16 five directors, appointment shall be optional. The board shall select from
17 among its number the president and secretary, and shall select a cashier. Such
18 officers shall hold their office at the pleasure of the board of directors. The
19 board of directors shall hold at least one regular meeting in each calendar
20 quarter, and at ~~two of such meetings in each year~~ meeting a thorough examina-
21 tion of the books, records, funds, and securities held by the bank shall be
22 made and recorded
23 in detail upon its record book. In lieu of the ~~two annual exami-~~
24 ~~nations examination~~ required, the board of directors may accept
25 one annual audit by an accountant or accounting firm approved
26 by the Director of Banking."

2. Renumber original section 1 as section 3.

3. Insert a new section to be known as section 4, and to read as follows:

"Sec. 4. That section 8-815, Revised Statutes Supplement, 1973, be amended to read as follows:

8-815. As used in sections 8-815 to 8-829, unless the context otherwise requires:

(1) Department shall mean the Department of Banking of the State of Nebraska;

(2) Bank shall mean the banks, ~~and~~ trust companies and cooperative credit associations, organized under the laws of this state and national banks doing business in this state;

(3) Registered bank shall mean any bank which has in effect a registration under sections 8-816 and 8-817;

(4) Unregistered bank shall mean any bank which has not registered under sections 8-816 and 8-817, or the registration of which is not in effect because of action taken under section 8-827; and

(5) Personal loan shall mean a loan, and the contract evidencing the same, which is repayable, pursuant to a contract or understanding, in two or more installments, and within one hundred twenty-one months, but shall not include any loan on which the interest does not exceed nine per cent per annum.

4. Renumber original sections 2 and 3 as sections 5 and 6, respectively.

5. On page 3, line 17 strike "section 8-140" and insert "sections 8-115.01, 8-124, 8-140, and 8-815,"; and on line 18 strike "is" and insert "are".

Amendment pending. Laid over.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 22, 1974. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Beam, C. Arlen — Lincoln, National Confectioners Association
Holman, Nate E. — Lincoln, Nebraska Nurses Association
Recker, Elmer Dale — Lincoln, Nebraska Student Veterans
Organization
Ryan, James E. — Lincoln (Inactive), Nebraskans for Convenient
Consumers Banking

STANDING COMMITTEE REPORT Labor

LEGISLATIVE BILL 710. Placed on General File as amended.

Standing Committee amendments to LB 710:

1. On pages 2, 6, 7, 9, 10, 11, and 12 strike the new matter.
2. On page 2, line 9 after "than" insert "eighty-nine"; in lines 9 and 10 reinstate "~~dollars per week~~" in line 24 after "than" insert "eighty-nine" and reinstate "~~dollars per week~~".
3. On page 6, line 3 after "than" insert "eighty-nine" and reinstate "~~dollars per week~~".
4. On page 7 line 8 after "than" insert "eighty-nine" and reinstate "~~dollars per week~~"; in line 16 reinstate "~~and~~".
5. On page 9, line 13 reinstate "~~48-122~~".
6. On page 12, line 16 after "48-121" strike the comma and insert "and"; and in line 17 strike "and 48-122.03,".
7. Renumber original sections 9 and 10 as sections 3 and 4 respectively.

(Signed) Richard Maresh, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 17A, 77, 77A, 600 and 730.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Committee on Committees

February 21, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Betty Abbott – Environmental Control Council

No one appeared either in favor or opposition to the appointment of Betty Abbott to the Environmental Control Council. Committee vote: For: (8) Senators Barnett, Chambers, Epke, Johnson, Luedtke, Nore, Stahmer, Whitney. Against: None. Absent and not voting: (5) Senators Duis, Snyder, Stromer, Stull and Wiltse.

Louis G. Riha – Environmental Control Council

No one appeared either in favor or opposition to the appointment of Louis G. Riha. Committee vote: For: (8) Senators Barnett, Chambers, Epke, Johnson, Luedtke, Nore, Stahmer and Whitney. Against: None. Absent and not voting: (5) Senators Duis, Snyder, Stromer, Stull and Wiltse.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman
Committee on Committees

February 21, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Leonard J. Schaefer — Environmental Control Council

No one appeared either in favor or opposition to Mr. Schaefer's appointment to the Environmental Control Council. Committee vote: For: (8) Senators Barnett, Chambers, Epke, Johnson, Luedtke, Nore, Stahmer, Whitney. Against: None. Absent and not voting: (5) Senators Duis, Snyder, Stromer, Stull and Wiltse.

John T. Harris — Environmental Control Council

No one appeared either in favor or opposition to Mr. Harris's appointment to the Environmental Control Council. Committee vote: For: (8) Senators Barnett, Chambers, Epke, Johnson, Luedtke, Nore, Stahmer, Whitney. Against: None. Absent and not voting: (5) Senators Duis, Snyder, Stromer, Stull and Wiltse.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman
Committee on Committees

February 21, 1974

The Committee on Committees desires to report favorably upon the appointment listed below which were submitted by Governor J. James Exon. The Committee suggests the appointment be confirmed by the Legislative Body and suggests a record vote:

Theodore C. Reeves — Environmental Control Council

No one appeared either in favor or opposition to Mr. Reeves' appointment

to the Environmental Control Council. Committee vote: For: (8) Senators Barnett, Chambers, Epke, Johnson, Luedtke, Nore, Stahmer and Whitney. Against: None. Absent and not voting: (5) Senators Duis, Snyder, Stromer, Stull and Wiltse.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman
Committee on Committees

NOTICE OF COMMITTEE HEARING
Committee on Committees

February 15, 1974

The Committee on Committees will meet at 8:00 AM, Tuesday, March 5, 1974, in the East Lounge, Room 2230, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Advisory Committee to the Department of Economic Development

Bennett S. Martin
Calvin L. Hayes
Carlin Whitesell

Bob Runice
Neil Colerick

(Signed) Ramey C. Whitney, Chairman

Miscellaneous Subjects

LB 1043 Monday, March 4, 1974

12:30 p.m.

(Signed) J. James Waldron, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 20, 1974, at 8:45 a.m., were the following bills: LB 664, LB 666 and LB 683.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Bracket LB 689

Mr. Skarda asked unanimous consent to bracket LB 689 on E & R for Engrossment. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 499

Mr. Carpenter asked unanimous consent to unbracket LB 499 on General File for debate Tuesday, February 26, 1974. No objections. So ordered.

MOTION—Place LB 770 on General File

Mr. F. Lewis moved to place LB 770 on General File notwithstanding the action of the Committee. Motion pending.

MOTION—Place LB 843 on General File

Mr. F. Lewis moved to place LB 843 on General File notwithstanding the action of the Committee. Motion pending.

GENERAL FILE

LEGISLATIVE BILL 646. Title read. Considered.

The Standing Committee amendments found in the Journal on page 575 for the Twenty-fifth Day were rejected.

The Kime amendments found in the Journal on page 638 for the Twenty-ninth Day were adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

MR. SIMPSON PRESIDING

LEGISLATIVE BILL 873. Title read. Considered.

The Standing Committee amendments found in the Journal on page 569 for the Twenty-fifth Day were adopted.

Mr. DeCamp offered the following amendments:

1. On page 14, line 10, insert a new section 3 to read as follows:

“Sec. 3. The Department of Roads is hereby authorized to
2 promulgate rules and regulations governing the speed of motor
3 vehicles where such vehicles are geared to operate more efficiently
4 at a speed in excess of the limits set by this act. Any motor
5 vehicle in compliance with such rules and regulations shall not
6 be in violation of any law governing speed limits.”.

2. Renumber sections 3 and 4 as sections 4 and 5 respectively.

The amendments lost.

Advanced to E & R for Review with 34 ayes, 1 nay and 14 not voting.

Mr. Kremer asked unanimous consent to expedite LB 873. No objections. So ordered.

LEGISLATIVE BILL 605. Bracketed at the request of Mr. Duis.

MR. WHITNEY PRESIDING

LEGISLATIVE BILL 771. Title read. Considered.

The Standing Committee amendments found in the Journal on page 576 for the Twenty-fifth Day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

Mr. Stull asked unanimous consent to expedite LB 771. No objections. So ordered.

MR. MARVEL PRESIDING

LEGISLATIVE BILL 616. Title read. Considered.

The Standing Committee amendments found in the Journal on page 421 for the Seventeenth Day No. 1 and 2 signed by Mr. Cavanaugh were rejected.

The Standing Committee amendments found in the Journal on pages 421 through 429 for the Seventeenth Day signed by Mr. Waldron were adopted.

Mr. Whitney offered the following amendment which was adopted:
To strike Sec. 7 of the Standing Committee amendment and renumber remaining Sections 8 to 12 to 7 to 11.

Mr. Goodrich offered the following amendment:
Amend LB 616 by striking Sec 8 of the Carpenter amendments and all other requirements that call for transportation charges.

The amendment lost.

Advanced to E & R for Review with 28 ayes, 5 nays and 16 not voting.

MOTION—Order of Day

Mr. Carpenter moved that we consider non-controversial bills on General File this afternoon. The motion prevailed.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 779. Placed on Select File as amended.
E & R amendments to LB 779:

1. On page 9, line 18, insert an underscored comma after "control"; and in lines 19 and 20 strike "set forth in the provisions of" and insert "authorized by".

2. For correlation purposes, in new section 1, line 2, insert ", as amended by section 1, Legislative Bill 765, Eighty-third Legislature, Second Session, 1974" after "1972"; in line 41 strike the stricken matter and remove underscoring from the new matter; in line 42 strike the comma; in line 44 insert "having shells in either the chamber, receiver, or magazine" after "shotgun"; in lines 44 and 45 strike "public"; and strike line 45 and insert "highway."

3. In lieu of the committee amendment thereto, on page 11, in line 7, strike "is" and insert "and section 39-501, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 765, Eighty-third Legislature, Second Session, 1974, are".

4. In the title, line 3, insert ", and section 37-501, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 765, Eighty-third Legislature, Second Session, 1974" after "1972"; in lines 4 and 5 strike "to change powers of the commission" and insert "to change a prohibition; to harmonize with previous legislation"; and in line 6 strike "section" and insert "sections".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT Miscellaneous Subjects

LEGISLATIVE BILL 761. Indefinitely postponed.

LEGISLATIVE BILL 325. Placed on General File as amended.
Standing Committee amendments to LB 325:

1. Strike sections 1 to 4 and insert the following:

"Section 1. This act shall be construed liberally to promote the following policies:

(1) To simplify, clarify, and modernize the law governing consumer sales practices;

(2) To protect consumers from suppliers who commit unfair and deceptive, or unconscionable sales practices, or who participate in pyramid sales schemes;

(3) To encourage the development of fair consumer sales practices; and

(4) To make state regulation of consumer sales practices

not inconsistent with the policies of the Federal Trade Commission Act relating to consumer protection.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Consumer transaction shall mean an agreement, whether or not otherwise enforceable by action, for a sale, lease, assignment, award by chance, or other disposition of an item of goods, a service, or an intangible, except securities, to an individual for purposes that are primarily personal, family, or household, or that relate to a business opportunity that requires both his expenditure of money or property and his personal services on a continuing basis and in which he has not been previously engaged, and shall include the entire process of soliciting, negotiating, making, performing, and enforcing such agreements. Consumer transaction shall not encompass the sale, lease, assignment, or other disposition of real estate or of any interest in real estate;

(2) Attorney General shall mean the Attorney General or his authorized representative;

(3) Final judgment shall mean a judgment, including any supporting opinion, that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired;

(4) Person shall mean an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, cooperative, or any other legal entity;

(5) Pyramid sales scheme shall mean any plan or operation for the consummation of consumer transactions wherein one or more persons acquire, for consideration, the opportunity to receive a pecuniary benefit (a) which is not primarily contingent upon the volume or quantity of goods, services, or other property sold or distributed or to be sold or distributed to persons for resale to consumers, and (b) which is based upon the inducement of additional persons, by himself or others, to participate in the same plan or operation. Consideration as used in this subdivision shall not include payment for sales demonstration equipment and materials furnished at cost for use in making sales and not for resale or payments amounting to less than one hundred dollars when computed on an annual basis;

(6) Supplier shall mean a seller, lessor, assignor, or other person who regularly solicits, engages in, or enforces consumer transactions, whether or not he deals directly with the consumer; and

(7) Violation shall mean noncompliance with the provisions of this act or any rule or regulation promulgated thereunder.

Sec. 3. A consumer transaction entered into in this state as part of a pyramid sales scheme shall be a violation of this act, and shall be void ab initio.

Sec. 4. (1) An unfair or deceptive act or practice by a supplier in connection with a consumer transaction shall be a violation of this act.

(2) Without limiting the scope of subsection (1) of this section, the act or practice of a supplier in representing any of the following shall be unfair or deceptive that:

(a) The subject of a consumer transaction has sponsorship, approval, performance, or other characteristics, accessories, uses, or benefits it does not have;

(b) The subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not;

(c) The subject of a consumer transaction is new, or unused, if it is not, or that it has been used to an extent that is materially different from the fact;

(d) The subject of a consumer transaction has been supplied or is available to the consumer for a reason that does not exist;

(e) The subject of a consumer transaction has been supplied in accordance with a previous representation, if it has not;

(f) The subject of a consumer transaction will be supplied in greater quantity than the supplier intends;

(g) Repair or replacement is needed, if it is not;

(h) A specific price advantage exists, if it does not;

(i) The supplier has a sponsorship, approval, or affiliation he does not have;

(j) Any writing used to evidence the transaction conforms to the requirements of the Federal Consumer Credit Protection Act, 15 U.S.C. 1601 et seq., or the requirements of Chapter 45, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, if it does not;

(k) A consumer transaction involves or does not involve a warranty, a disclaimer of warranties, particular warranty terms, or other rights, remedies, or obligations if the representation is false;

(l) The consumer will receive a rebate, discount, or other benefit as an inducement for entering into a consumer transaction in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if receipt of the benefit is contingent upon an event to occur after the consumer enters into the transaction; or

(m) The subject of a consumer transaction has a composition, designation, or identity that it does not have.

Sec. 5. (1) An unconscionable act or practice by a supplier in connection with a consumer transaction shall be a violation of this act.

(2) The unconscionability of an act or practice shall be a question of law for the court. If it is claimed or appears to the court that an act or practice may be unconscionable, the parties shall be given a reasonable opportunity to present evidence as to its setting, purpose, and effect to aid the court in making its determination.

(3) In determining whether an act or practice is unconscionable, the court shall consider circumstances such as the following, of which the supplier knew or had reason to know:

(a) He took advantage of the inability of the consumer rea-

sonably to protect his interests because of his physical infirmity, ignorance, illiteracy, lack of education or experience, inability to understand the language of the agreement, or similar factors;

(b) When such consumer transaction was entered into the price grossly exceeded the price at which similar property or services were readily obtainable in a similar transaction by like consumers, or by other tests of true value;

(c) When such consumer transaction was entered into the consumer was unable to receive a substantial benefit from the subject of the transaction;

(d) When such consumer transaction was entered into there was no reasonable probability of payment of the obligation in full by such consumer;

(e) The transaction he induced the consumer to enter into was excessively one sided in favor of the supplier;

(f) The natural effect of the term, act, or practice in question is to cause consumers to misunderstand the true nature of the transaction, or their rights and duties; or

(g) The terms of the writing evidencing the transaction include the waiver of any rights or defenses of the consumer, or terms prohibited by the law or public policy of this state.

Sec. 6. The Attorney General or his staff, designate, or representative shall have the primary responsibility for the implementation and enforcement of the provisions of this act.

Sec. 7. (1) The district, county, municipal, and Small Claims Courts shall have concurrent jurisdiction over any supplier as to any act or practice in this state governed by this act or as to any claim arising from a consumer transaction subject to this act insofar as the action brought is consistent with the jurisdiction competency of the courts as defined in Chapter 24, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

(2) In addition to any other method provided by statute, personal jurisdiction over a supplier may be acquired in a civil action or proceeding instituted in the district court by the service of process in the following manner: If a supplier engages in any act or practice in this state governed by this act, or engages in a consumer transaction subject to this act, he may designate an agent upon whom service of process may be made in this state. Such agent shall be a resident of or a corporation authorized to do business in this state. Such designation shall be in writing and filed with the Secretary of State. If no designation is made and filed, or if process cannot be served in this state upon the designated agent, whether or not the supplier is a resident of this state or is authorized to do business in this state, process may be served upon the Secretary of State, but service upon him shall not be effective unless the plaintiff promptly mails a copy of the process and pleadings by certified mail to the defendant at his last reasonable ascertainable address. An affidavit of compliance with this section shall be filed with the clerk of the court on or before the return day of the process, if any, or within any future time the court allows.

Sec. 8. (1) The Attorney General shall:

(a) Aid in the enforcement of this act throughout the state;
(b) Cooperate with state and local officials, officials of other states, and officials of the federal government in the administration of comparable statutes;

(c) Inform consumers and suppliers on a continuing basis of the provisions of this act and of acts or practices that violate this act, including mailing information concerning final judgments to persons who request it, for which he may charge a reasonable fee to cover the expense;

(d) Establish programs for the education of consumers with respect to sales practices and consumer problems;

(e) Receive and act on complaints;

(f) Maintain a public file of (i) final judgments rendered under the provisions of this act that have been either reported officially or made available pursuant to subdivision (1) (c) of this section, or subsection (4) of section 13 of this act, and (ii) to the extent the Attorney General considers appropriate for use as precedent, assurances of voluntary compliance;

(g) Report annually on or before January 1 to the Governor and Legislature on the operations of his office and on the acts or practices occurring in this state that violate this act. Such report shall include a statement of the investigatory and enforcement procedures and policies of his office, of the number of investigations and enforcement proceedings instituted and of their disposition, and of the other activities of his office and of other persons to carry out the purposes of this act;

(h) Adopt appropriate procedural rules for the performance of his responsibilities under this act; and

(i) Adopt substantive rules that prohibit with specificity acts or practices that violate the provisions of section 3, 4, or 5 of this act. In adopting such rules the Attorney General shall take cognizance of and be guided by court interpretations of this act and the interpretations given by the Federal Trade Commission and the federal courts to section (5)(a)(1) of the Federal Trade Commission Act, 15 U.S.C., section 45 (a)(1), as from time to time amended, and rules and regulations promulgated thereunder, and shall further take cognizance of definitions or interpretations of unconscionability in statutes, regulations, rulings, and decisions of legislative, administrative, or judicial bodies in this state or elsewhere.

(2) Any administrative actions taken by the Attorney General under the provisions of this act shall be taken in accordance with the provisions of Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

(3) In carrying out his duties, the Attorney General shall not publicly disclose the identity of any person investigated unless his identity has become a matter of public record in an enforcement proceeding or such person has consented to public disclosure.

Sec. 9. The Attorney General may conduct research, hold public hearings, make inquiries or investigations, and publish

studies relating to consumer sales acts or practices.

Sec. 10. (1) If, by his own inquiries or as a result of complaints, the Attorney General has good cause to believe that a person has engaged in, is engaging in, or is about to engage in an act or practice that violates this act, he may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence.

(2) If matter that the Attorney General subpoenas is located outside this state, the person subpoenaed may either make it available to the Attorney General at a convenient location within the state or pay the reasonable and necessary expenses for the Attorney General or his representative to examine the matter at the place where it is located. The Attorney General may designate representatives, including officials of the state in which the matter is located, to inspect the matter on his behalf, and he may respond to similar requests from officials of other states.

(3) Upon failure of a person without lawful excuse to obey a subpoena and upon reasonable notice to any person affected, the Attorney General may apply to the district court of Lancaster County for an order compelling compliance.

(4) The Attorney General may request that an individual who refuses to comply with a subpoena on the ground that testimony or matter may incriminate him be ordered by the court to provide the testimony or matter. Except in a prosecution for perjury or false swearing, an individual who complies with a court order to provide testimony or matter after asserting a privilege against self-incrimination to which he is entitled by law, shall not be subjected to a criminal proceeding with respect to such transaction concerning which he is required to testify or produce relevant matter. This subsection shall not apply to damages recoverable under subsection (2) of section 13 of this act or to civil sanctions imposed under subsection (1) of section 11 of this act.

Sec. 11. (1) Upon completion of his investigation the Attorney General may bring an action (a) to obtain a declaratory judgment that an act or practice violates this act, or (b) to enjoin, in accordance with the principles of equity, a supplier who has violated, is violating, or is likely to violate this act.

(2) The Attorney General may terminate an investigation upon acceptance of a supplier's written assurance of voluntary compliance with this act. Acceptance of an assurance may be conditioned on a commitment to reimburse consumers or take other appropriate corrective action. An assurance shall not be evidence of a prior violation of this act. Unless an assurance has been rescinded by agreement of the parties or voided by a court for good cause, subsequent failure to comply with the terms of an assurance shall be prima facie evidence of a violation of this act.

Sec. 12. (1) If the Attorney General receives a complaint or other information relating to noncompliance with this act by a supplier who is subject to other supervision in this state, the Attorney General shall inform the official or agency having that supervision. The Attorney General may request and receive infor-

mation about such suppliers from such official or agency.

(2) The Attorney General and any other official or agency in this state having supervisory authority over a supplier shall consult and assist each other in maintaining compliance with this act. Within the scope of their authority, they may jointly or separately make investigations, prosecute suits, and take other official action they consider appropriate.

Sec. 13. (1) Whether he seeks or is entitled to damages or has an adequate remedy at law, a consumer may bring an action to (a) obtain a declaratory judgment that an act or practice violates this act, or (b) enjoin, in accordance with the principles of equity, a supplier who has violated, is violating, or is otherwise likely to violate this act.

(2) A consumer who suffers loss as a result of a violation of this act shall, upon a judgment thereon in his favor, recover actual damages or liquidated damages in an amount which bears a reasonable relation to the actual damages which have been sustained and which damages are not susceptible of measurement by ordinary pecuniary standards, in addition to the costs of the action and reasonable attorney's fee.

(3) A final judgment in favor of the state under the provisions of section 11 of this act shall be admissible as prima facie evidence of the facts upon which it is based in later proceedings under this section against the same defendant or a person in privity with him. For the purposes of this subsection final judgment shall not mean a consent of judgment.

(4) When a judgment under this section becomes final, the clerk of the court shall mail a copy to the Attorney General for inclusion in the public file maintained pursuant to the provisions of section 8 of this act.

(5) An action under this section shall be brought within four years after the occurrence of a violation of this act. When a supplier sues a consumer, the consumer may assert as a counterclaim or otherwise any claim under this act arising out of the transaction on which suit is brought by the supplier.

Sec. 14. Any person who willfully violates the terms of an injunction or declaratory judgment of the court or the terms of a written assurance of voluntary compliance entered into pursuant to this act shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not more than ten thousand dollars or by imprisonment in the Nebraska Penal and Correctional Complex for not more than five years, or by both such fine and imprisonment.

Sec. 15. Nothing in this act shall be construed to create a right of action against any of the media with regard to advertising by parties offering services or commodities in a manner inconsistent with the provisions of this act. The Attorney General shall seek compliance to the terms of this act solely from the party offering the goods and services and he shall not place any enforcement responsibility or liability on any media for accepting or printing paid advertising.

Sec. 16. (1) This act shall not apply to:

(a) An act or practice required or specifically permitted by or under federal law, or by state law;

(b) A publisher, broadcaster, printer, or other person engaged in the dissemination of information or the reproduction of printed or pictorial matter insofar as the information or matter has been disseminated or reproduced on behalf of others;

(c) A claim for personal injury or death or a claim for damage to property other than the property that is the subject of the consumer transaction;

(d) Actions or transactions otherwise permitted, prohibited, or regulated under laws administered by the Director of Insurance or the Public Service Commission;

(e) Any actions or transactions on the part of any public power and irrigation district, public power district, electric membership association, or cooperative or municipality engaged in furnishing electrical service to customers at retail or wholesale, if otherwise permitted by law; or

(f) The credit terms of a transaction otherwise subject to the provisions of this act.

(2) A person alleged to have violated this act has the burden of showing the applicability of this section.

Sec. 17. Any statute or rule of law restricting admissibility or parol evidence shall be inoperative to exclude or limit the admissibility of evidence of an act or practice in violation of this act.

Sec. 18. The remedies of this act shall be in addition to remedies otherwise available for the same conduct under state or local law.

Sec. 19. This act may be cited as the Nebraska Consumer Sales Practices Act.

Sec. 20. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 21. This act shall become operative on January 1, 1975.

Sec. 22. That Chapter 87, article 3, Reissue Revised Statutes of Nebraska, 1943, is repealed."

LEGISLATIVE BILL 326. Placed on General File as amended.
Standing Committee amendments to LB 326:

1. On page 5, lines 9 and 10 strike "not to exceed three times the actual damages sustained" and insert "which bears a reasonable relation to the actual damages which have been sustained and which damages are not susceptible of measurement by ordinary pecuniary standards".

2. On page 12, line 22 after "States" insert ", nor shall the provisions of this act extend to or apply to any actions or transactions on the part of any public power and irrigation district, public power district, electric membership association, and cooperatives or municipalities engaged in furnishing electrical service to customers at retail or wholesale; if otherwise permitted by law".

3. On page 13, strike lines 1 to 4 and insert new sections 18 to 22 as follows:

"Sec. 18. Nothing in this act shall prevent persons engaged in the production of agricultural products from acting together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in intrastate commerce, such products. Such associations may have marketing agencies in common; and the associations and their members may make the necessary contracts and agreements to effect such purposes. The associations shall be operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

(1) That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; or

(2) That the association does not pay dividends on stock or membership capital in excess of eight per cent per annum.

Such association shall not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members.

Sec. 19. If the attorney general shall have reason to believe that such association monopolizes or restrains trade to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein a notice of hearing, specifying a day and place not less than thirty days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from monopolization or restraint of trade.

Sec. 20. All contracts and agreements made in restraint of trade by coconspirators in violation of the provisions of section 3, 4, or 5 of this act shall be void. All contracts and agreements made between a conspirator and an innocent party in violation of the provision of section 3, 4, or 5 of this act shall be voidable by the innocent party.

Sec. 21. Upon a finding in district court that a conspiracy in restraint of trade existed in an action brought pursuant to section 3 or 4 of this act, that finding shall constitute prima facie evidence of the existence of the conspiracy in subsequent civil actions involving the conspiracy.

Sec. 22. Every president, treasurer, general manager, agent, or other person exercising the powers of such office of any corporation, joint stock company, or other association, who has himself, in its behalf, violated, united to violate, or consented to the violation of the provisions of section 3, 4, or 5 of this act, shall thereafter be personally liable for all debts and obligations of any such corporation, joint stock company, or other association created while such person holds such office or agency which were incurred in the furtherance of that violation."

4. On page 13 after line 11 insert:

Sec. 25. That sections 59-201, 59-202, 59-203, 59-204, 59-401, 59-402, 59-403, 59-509, 59-601, 59-602, 59-603, 59-604, 59-605, 59-606, 59-901, 59-902, 59-903, 59-904, 59-1001, and 59-1002, Reissue Revised Statutes of Nebraska, 1943, are repealed."

5. Renumber original section 18 as section 24 and section 19 as section 23, respectively.

LEGISLATIVE BILL 602. Placed on General File as amended.
Standing Committee amendments to LB 602:

1. On page 2, line 21 strike "governmental department, agency or unit" and show as stricken and insert "building or facilities"; after the period in line 24 insert "when such authority shall determine that full compliance with any standard or specification is impracticable it shall apply to the Public Buildings Safety Advisory Committee for an opinion relating thereto, and the committee shall have authority to render such opinions. When an opinion is issued pursuant to a complete and accurate request, such opinion shall be a complete defense to any charge of violations of this act as to any action taken strictly subject to the terms of such opinion.".

2. On page 5, line 18 strike "and"; in line 21 after "entity" insert: "and";

(15) Remodeled space shall mean all newly remodeled space so designed under the provisions of sections 72-1101 to 72-1119. When remodeling projects require expenditures exceeding fifty per cent of replacement value of the structure, the total structure shall comply with the provisions of sections 72-1101 to 72-1119."

3. On page 5, after line 21 insert the following new sections:

"Sec. 3. That section 72-1108, Reissue Revised Statutes of

- 2 Nebraska, 1943, be amended to read as follows:
- 3 72-1108. Doors shall have a clear opening of not less than
- 4 thirty-two inches when open and all corridor doors and public
- 5 access doors shall be operable by a single effort. The floor
- 6 on the inside and outside of each doorway shall be level for a
- 7 distance of five feet from the door in the direction the door
- 8 swings and shall extend one foot beyond each side of the door.
- 9 Sharp inclines and abrupt changes in level shall be avoided at
- 10 doorsills. As much as practicable, thresholds shall be flush
- 11 with the floor.

Sec. 4. That section 72-1109, Reissue Revised Statutes of

- 2 Nebraska, 1943, be amended to read as follows:
- 3 72-1109. Stairs shall conform to standards of the American
- 4 Standards Association, Inc., with the following additional con-
- 5 siderations: Steps in stairs shall be designed wherever practicable
- 6 so as not to have abrupt, square nosing. Stairs shall have hand-
- 7 rails thirty-two inches high as measured from the tread at the face
- 8 of the riser. Stairs shall have at least one handrail that extends
- 9 at least eighteen inches beyond the top step and beyond the bottom
- 10 step. Steps should, wherever possible, and in conformation with
- 11 existing step formulas, have risers that do not exceed seven
- 12 and three-quarters inches.

Sec. 5. That section 72-1114, Reissue Revised Statutes of

- 2 Nebraska, 1943, be amended to read as follows:
- 3 72-1114. Elevators shall be provided and shall be accessible to,
- 4 and usable by, the physically disabled at all levels normally
- 5 used by the general public that are not accessible by ramps or
- 6 grade entrances. Elevator control buttons shall have identifying
- 7 features for the benefit of the blind. ~~Elevators shall allow for~~
- 8 ~~traffic by wheelchairs.~~ The Public Buildings Safety Advisory Com-
- 9 mittee shall promulgate uniform standards and specifications for
- 10 elevators.

Sec. 6. That section 72-1115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1115. Switches and controls for ~~light, heat, ventilation, windows, draperies, fire alarms, and all similar controls of frequent or essential use,~~ alarm systems shall be placed within the reach of individuals in wheelchairs.

Sec. 7. That section 72-1116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1116. Appropriate identification of specific facilities within a building used by the public is essential to the blind. Raised letters or numbers shall be used to identify rooms and offices. Such identification shall be placed on the wall, to the right or left of the door, at a height between four feet six inches and five feet six inches, measured from the floor, and preferably at five feet. Doors that are not intended for normal use, and that are dangerous if a blind person were to exit or enter by them, shall be made quickly identifiable to the touch by ~~knurling a~~ standardized identifiable feature on the door handle or knob.

Sec. 8. That section 72-1117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1117. (1) Audible warning signals located in central corridors shall be accompanied by simultaneous visual signals for the benefit of those with hearing disabilities.

(2) Visual signals shall be accompanied by simultaneous audible signals for the benefit of the blind.

Sec. 9. That section 72-1118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1118. (1) Every effort shall be exercised to obviate hazards to individuals with physical disabilities.

(2) Access panels or manholes in floors, walks, and walls can be extremely hazardous, particularly when in use, and shall be avoided where possible.

(3) When manholes or access panels are open and in use, or when an open excavation exists on a site, particularly when it is approximate to normal pedestrian traffic, barricades shall be placed on all open sides, at least eight feet from the hazard, and visual warning devices shall be installed in accord with the provisions of section 72-1117.

(4) Low-hanging door closers that are within the opening of a doorway when the door is open, or that protrude hazardously into regular corridors or traffic ways when the door is closed, shall be avoided.

(5) Low-hanging signs, ceiling lights, and similar objects or signs and fixtures that protrude into regular corridors or traffic ways shall be avoided. A minimum height of seven feet, measured from the floor, shall be had.

(6) Lighting on ramps shall be at least equal to that prescribed by the specifications of the American Standards Association, Inc. Exit signs shall be in accordance with specifications of the American Standards Association, Inc., except as modified by section 72-1116."

4. On page 6, line 13 insert the following:

"Sec. 11. For the purposes of advising authorities in matters pertaining to performance of duties and compliance with standards

3 and specifications required by the provisions of sections 72-1101
4 72-1109, there is hereby established the Public Buildings Safety
5 Advisory Committee composed of five members. Such committee shall
6 consists of the following members: (1) An architect, (2) the
7 State Fire Marshal or his authorized representative, (3) a
8 vertical transportation engineer, (4) a construction contractor,
9 and (5) a representative of individuals who are physically handi-
10 capped. The members shall be appointed by the Governor within
11 two months after the effective date of this act and shall serve
12 for a term of four years.

Sec. 12. The committee shall organize by selecting a chairman
2 and such other officer or officers as it may deem necessary and
3 shall establish rules to govern its procedures. Any vacancy
4 occurring in the committee shall be filled in the manner in which
5 original appointments are made. Any person so named to fill a
6 vacancy shall have the same qualifications as his immediate
7 predecessor. No person shall receive any compensation for service
8 rendered as a member of such committee but shall be reimbursed
9 for his actual and necessary expenses.

10 The committee shall meet at such times as the business of such
11 committee shall require and at such place as may be established
12 by its chairman, but in no case shall the committee meet fewer
13 than three times annually. Three members shall constitute a quorum
14 for the transaction of business. No member of the committee shall
15 participate in any hearing in which he has an interest in the
16 subject matter of such hearing.

Sec. 13. This act shall not apply to buildings, structures or
2 installations, or portions thereof, used for heavy industry including
3 but not limited to repair shops, railroad yards and any other busi-
4 ness or industrial building where the presence of handicapped
5 persons could or would tend to place them in a position of potential
6 hazard to their person but this act shall apply to any separate
7 portions of such buildings, structures or installations where
8 managerial functions are conducted if the entry to, and presence
9 of, handicapped persons in such separate portions of such buildings,
10 structures or installations would not tend to place them in a
11 position of potential hazard to their person."

5. On page 6, line 27 after "72-1103," insert "72-1108, 72-1109,
72-1114, 72-1115, 72-1116, 72-1117, 72-1118,"; and renumber original
sections 3, 4, 5, and 6 as sections 10, 14, 15, and 16 respectively.

LEGISLATIVE BILL 638. Placed on General File as amended.
Standing Committee amendments to LB 638:

1. On page 2 line 5 strike "governing" and show as stricken
and insert "public" and strike "of all agencies," and show as stricken:
in line 7 after "law," insert "rule, regulation, proclamation, ordinance,
or executive appointment, including but not limited to,".

2. On page 3 line 21 strike "governing" and show as stricken.

3. On page 4, lines 6 and 19 strike "governing" and show as
stricken.

4. On page 5 lines 2, 4, and 17 strike "governing" and show
as stricken.

5. On page 6 line 1 after "All" insert "such"; in line 15 strike "governing" and show as stricken; and after line 25 insert "Sec. 6. The district courts of this state shall have jurisdiction to issue injunctions to enforce the provisions of this act upon application by any citizen of this state."
- 2
- 3
6. Renumber original section 6 as section 7.

LEGISLATIVE BILL 758. Placed on General File.

LEGISLATIVE BILL 783. Placed on General File as amended.
Standing Committee amendment to LB 783:

1. On page 3, line 18 after "any" insert "state-owned and operated".

LEGISLATIVE BILL 1016. Placed on General File.

LEGISLATIVE BILL 1021. Placed on General File as amended.
Standing Committee amendment to LB 1021:

1. On page 2, line 5 after the period insert "Political subdivisions shall provide such services at a charge not in excess of ten cents per person from 9 a.m. to 3 p.m. on Monday through Friday and Saturday and Sunday any time such services are available."

(Signed) J. James Waldron, Chairman

Education

LEGISLATIVE BILL 857. Placed on General File as amended.
Standing Committee amendment to LB 857:

1. On page 2 reinstate the stricken matter and strike the new matter; in line 7 strike "the State Department of Education," and show as stricken; in lines 8 and 9 strike "or any political subdivision of the state," and show as stricken.
2. On page 3 reinstate the stricken matter and strike the new matter; and after line 16 insert:
"Section 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

(Signed) Jerome Warner, Chairman

Judiciary

LEGISLATIVE BILL 707. Indefinitely Postponed.

LEGISLATIVE BILL 923. Placed on General File as amended.
Standing Committee amendments to LB 923:

1. On page 2, line 12 before "all" insert "United States"; in line 17 strike "November" and insert "October"; and in line 18 strike "November, 1975" and insert "October, 1974".

2. On page 3, line 11 before "all" insert "United States"; in line 16 strike "November" and insert "October"; and in line 17 strike "November, 1975" and insert "October, 1974".
3. On page 4, line 25 before "all" insert "United States".
4. On page 5, line 3 strike "November" and insert "October"; and in line 5 strike "November, 1975" and insert "October, 1974".
5. On page 6, line 19 before "all" insert "United States"; in line 24 strike "November" and insert "October"; and in line 25 strike "November, 1975" and insert "October, 1974".
6. On page 7, line 17 before "all" insert "United States"; in line 22 strike "November" and insert "October"; and in line 24 strike "November, 1975" and insert "October, 1974".

LEGISLATIVE BILL 1009. Placed on General File as amended.
Standing Committee amendment to LB 1009:

1. On page 2, line 6 strike "division" and insert "division department or any county jail, city jail, or joint county and city jail"; in line 9 strike "division" and insert "division department or any county jail, city jail, or joint county and city jail"; in lines 10 and 11 reinstate the stricken matter; in line 12 strike "Corrections" and insert "Corrections Correctional Services or the individual in charge of the county, city, or joint county and city jail"; strike "such" and insert "such any"; and after "person" insert "committed within their jurisdiction".

(Signed) Roland A. Luedtke, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 845. Placed on General File as amended.
Standing Committee amendment to LB 845:

1. On page 2, line 3 after "associations," insert "insurance companies,"; and strike lines 4 and 5 and insert "invest funds".

LEGISLATIVE BILL 913: Placed on General File as amended.
Standing Committee amendment to LB 913:

1. On page 2, line 13 after "amount" add ", or percentage of a total amount," and after "mortgage" insert ", or in the event the mortgage authorizes advances by a percentage of the mortgage amount, such advances shall not exceed that authorized percentage".

LEGISLATIVE BILL 1012. Placed on General File as amended.
Standing Committee amendment to LB 1012:

1. Amend page 4 line 21 by inserting before "or" the following "fraternal benefit societies operating under the provisions of Chapter 44, article 10, Reissue Revised Statutes of Nebraska, 1943".

(Signed) Fred W. Carstens, Chairman

ANNOUNCEMENT

Mr. Marvel announced an executive session of the Appropriations Committee at noon today.

Mr. Kennedy announced an executive session of Public Health and Welfare Committee at 1:00 p.m. today.

Mr. Duis announced a meeting of the Administrative Rules Committee at 1:30 p.m. today.

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused this afternoon. No objections. So ordered.

MR. SYAS PRESIDING**MOTION—Introduce Bill**

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 1517) The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1048. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Savage, 10th District; Marsh, 29th District; Simpson, 46th District; Stahmer, 8th District; Whitney, 44th District; Johnson, 15th District.

A BILL FOR AN ACT to amend sections 72-706, 72-706.01, 72-707, 72-708, 72-709, 72-709.02, 72-710, 72-710.03, 72-711, 72-712, 72-716, 72-718, 72-718.03, 72-718.04, 72-718.05, 72-718.07, 72-729, 72-730, 81-803.01, 81-1108, 81-1108.02, 81-1108.04, 81-1108.06, 81-1108.07, 81-1108.08, 81-1108.09, and 81-1120.08, Reissue Revised Statutes of Nebraska, 1943, and sections 72-710.01, 72-710.02, 72-716.01, 72-716.02, 72-716.03, and 72-716.04, Revised Statutes Supplement, 1973, relating to state administrative departments; to create the State Building Division as prescribed; to create a State Building Administrator; to rename the State Building Commission as the State Building Advisory Commission; to prescribe and transfer duties; to provide for a State Building Standing Committee of the Legislature and prescribe its duties; to repeal the original sections, and also sections 72-709.01, 72-717, 81-1108.03, 81-1108.05, and 81-1120, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB
1048Committee
General File

(Signed) Terry Carpenter, Chairman

UNANIMOUS CONSENT—Approve Appointments

Mr. Barnett asked unanimous consent to approve the following appointments found in the Journal on page 726-728 for the Thirty-second Day in one record vote. No objections. So ordered. James L. McCoy, Gordon W. Shupe, E. A. Purtzer, Mrs. Margaret Sutherland, Dale Sampson, Vince E. Rossiter, Sr., Mrs. Sharon Holyoke.

Voting in the affirmative, 29:

Anderson	Barnett	Carpenter	C. Carsten	Clark
Duis	Fowler	Hasebrook	Kennedy	Kremer
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Rasmussen
Savage	Simpson	Snyder	Stahmer	Stromer
Stull	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 20:

Burbach	F. Carstens	Cavanaugh	Chambers	DeCamp
Dickinson	Epke	Fellman	Goodrich	Johnson
Kelly	Keyes	Kime	R. Lewis	Proud
Richendifer	Schmit	Skarda	Waldron	Whitney

The Chair declared the appointments confirmed.

MOTION—Place LB 973 on General File

Mr. Stahmer moved to place LB 973 on General File notwithstanding the action of the committee.

Motion pending.

VISITORS

The Chair introduced 19 Eighth grade students and their teachers, Messrs. Jack Copper and Terry Lacey, from District 1-R, Grand Island, Nebraska; and 13 Seventh and Eighth grade students and their teacher, Sister Theophane, from St. Francis School, Ashton, Nebraska.

RECESS

At 11:51 a.m., on a motion by Mr. Carpenter, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:04 p.m., Mr. Whitney presiding.

The roll was called and all members were present except Messrs. F. Carstens, Proud, and members of the Appropriations Committee who were excused.

GENERAL FILE

LEGISLATIVE BILL 763. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 647. Title read. Considered.

The Carpenter pending amendment found in the Journal on page 673 for the Thirtieth Day was adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 734. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 735. Title read. Considered.

Standing Committee amendments found in the Journal on page 480 for the Twentieth Day were adopted.

Mr. Luedtke moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay and 30 not voting.

Mr. Luedtke moved the Call be raised. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 736. Title read. Considered.

Mr. Cavanaugh offered the following amendment which was adopted:

Pg 2, Line six strike "Ten" add "Twenty"

Pg 3 Line 5 strike "Six" add Twenty

Advanced to E & R for Review with 25 ayes, 5 nays and 19 not voting.

LEGISLATIVE BILL 737. Title read. Considered.

Standing Committee amendment found in the Journal on page 480 for the Twentieth Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 738. Title read. Considered.

Standing Committee amendment found in the Journal on page 481 for the Twentieth Day was adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 828. Title read. Considered.

Standing Committee amendments found in the Journal on page 481 for the Twentieth Day were adopted.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 829. Title read. Considered.

Standing Committee amendments found in the Journal on page 481 for the Twentieth Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 833. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 822. Title read. Considered.

Standing Committee amendment found in the Journal on page 496 for the Twenty-first Day was adopted.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

EASE

The Legislature was at ease from 3:05 p.m. until 3:18 p.m.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 686. Indefinitely Postponed.

(Signed) George Syas, Chairman

Education

LEGISLATIVE BILL 996. Placed on General File as amended.
Standing Committee amendments to LB 996:

1. On page 2, line 1 insert two new sections as follows:

"Section 1. That section 79-486, Reissue Revised Statutes,

2 of Nebraska, 1943, be amended to read as follows:

3 79-486. (1) The governing board of any public school district
4 in this state, when authorized by a majority of the votes cast at
5 any annual or special meeting, shall (a) contract with the board
6 of any neighboring public school district or districts for the
7 instruction of all or any part of the pupils residing in the first-
8 named district in the school or schools maintained by the neighboring
9 public school district or districts for a period of time not to
10 exceed three years, and (b) make provision for the transportation
11 of such pupils to the school or schools of the neighboring district
12 or districts.

13 (2) The governing board of any public school district may
14 also, when petitioned to do so by at least two-thirds of the parents
15 residing in the district having children of school age who will
16 attend school under the contract plan, in its discretion, (a)
17 contract with the board of any neighboring public school district
18 or districts for the instruction of all or any part of the pupils
19 residing in the first-named district in the school or schools main-
20 tained by the neighboring public school district or districts for
21 a period of time not to exceed three years, and (b) make provision
22 for the transportation of such pupils to the school or schools of
23 the neighboring district or districts.

24 (3) The contract price for instruction referred to in sub-
25 sections (1) and (2) of this section shall be the cost per pupil
26 for the immediately preceding school year or the current year
27 whichever appears more practical as determined by the governing
28 board of the district which accepts the pupils for instruction. The
29 cost per pupil shall be determined by dividing the sum of the
30 operational cost and debt service expense of the accepting district,
31 except retirement of debt principal, plus three per cent of the
32 insurable or present value of the school plant and equipment of
33 the accepting district, by the average daily membership of pupils
34 in the accepting district. In determining such cost per pupil
35 if transportation is provided to such pupils the cost of such
36 transportation shall be included as part of the contract price.
37 Payment of the contract price shall be made in equal installments
38 at the beginning of the first and second semesters.

(4) All the contracts, referred to in subsections (1) and (2) of this section, shall be in writing and copies of all such contracts shall be filed in the office of the county superintendent on or before August 15 of each year. The form of such contracts shall be prescribed by the Commissioner of Education. School districts, thus providing instruction for their children in neighboring districts, shall be considered as maintaining a school as required by law. The teacher of the school providing the instruction shall keep a separate record of the attendance of all pupils from the first-named district and make a separate report to the secretary of that district. The school board of every sending district contracting under the provisions of this section shall be required to enter into contracts with school districts of the choice of the parents of the children to be educated under the contract plan; Provided, that if the total tuition and transportation costs to the sending district would exceed the average cost for the immediately preceding school year of operating the schools of this class in the county that were actually open and in operation the school board of the sending district may contract with school districts of the parents' choice or the school board of the sending district may designate the school or schools the children may attend. Any school district, failing to comply with the provisions of this section, shall not be paid any funds from the state apportionment of school funds while such violation continues. The county superintendent may, in his discretion, dissolve any district failing to comply with the provisions of this section or in which the votes cast at an annual or special election on the question of contracting with a neighboring district are evenly divided, or in which the governing body of the district is evenly divided in its vote on the question of contracting pursuant to subsection (2) of this section; Provided, that the county superintendent shall dissolve and attach to a neighboring district or districts any school district which, for five consecutive years, contracts for the instruction of its pupils, except that in instances where such dissolution shall create extreme hardships on the pupils or the district affected, the State Board of Education may, on application by the school board of the district and the recommendation of the county superintendent of the county in which the district is located, waive the requirements of this subsection. The dissolution of any school district pursuant to the provisions of this section shall be effected in the manner prescribed in section 79-420. School districts that have contracted for instruction for two or more consecutive years shall, before reopening the schoolhouse within the district, have an enrollment of at least five pupils whose parents or legal guardians are legal voters of the school district in accordance with the provisions of section 79-427 and shall apply to the county superintendent for approval to reopen that schoolhouse for use. The county superintendent shall, before granting that approval, personally inspect the school building and toilets and approve them as being safe, clean, and sanitary. He shall also inspect the supplies, equipment, and furnishings and approve them as being adequate for proper instruction.

Sec. 2. That section 79-488.04, Reissue Revised Statutes, of Nebraska, 1943, be amended to read as follows:

79-488.04. The school board of any district may authorize the use of buses belonging to such district for the transportation of public school children residing outside such district to schools within the district for instruction and the costs of such transportation shall be included in the contract price determined as provided in subsection (3) of section 1 of this act. A fee sufficient to pay all costs of such transportation shall be charged each person so transported. The school board shall prepare a schedule of all such fees charged and a copy of such schedule shall be filed in the office of the county superintendent of schools for the county in which such district is maintained. The individual members of the school board shall be personally liable for any expense incurred by the district if the fees so charged are insufficient to cover the additional cost incurred in furnishing such transportation, except such penalty shall not apply the first two years of operation. The cost of school bus operation shall be determined by dividing the actual cost of the total bus operation plus one-fifth of the original cost of the bus for depreciation by the total number of miles traveled by each pupil for the average of the two school years immediately preceding."

2. On page 2, line 4 before "When" insert "(1)"; in line 8 after "resides" insert a period and strike the remainder of the line and show it as stricken; strike lines 1 to 27 and show the old matter as stricken.

3. On page 3 strike lines 1 to 3 to the period and show the old matter as stricken and insert:

"(2) When a student attends an elementary school in his own district and lives more than four miles from the public schoolhouse therein, reimbursable miles shall constitute those miles or fraction thereof by which the distance from the permanent residence of such student to the schoolhouse exceeds four miles. Families shall be reimbursed for each day of attendance ten cents per reimbursable mile per trip traveled.

(3) When a student is required to attend an elementary school outside of his own district, reimbursable miles shall constitute those miles or fraction thereof by which the distance to the school in the other district is in excess of the distance to the school in the district of his residence. Families shall be reimbursed for each day of attendance ten cents per reimbursable mile per trip traveled.

(4) When a student, other than a student in grades nine through twelve in any Class III district which has an average daily enrollment of ten thousand students or more, attends a secondary school in his own Class II or III school district and lives more than four miles from the public schoolhouse, reimbursable miles shall constitute those miles or fraction thereof by which the distance from the permanent residence of such student to the schoolhouse exceeds four miles. Families shall be reimbursed for each day of attendance ten cents per reimbursable mile per trip traveled."; after line 15 insert

"(5) For the purposes of this section trip shall mean

traveling between the students' permanent place of residence and the schoolhouse in one direction only. Transportation allowances shall be paid on the basis of reimbursable miles traveled per trip."

4. On page 4, line 2 after "thereof" insert "on trips"; in line 3 after "sections" insert "79-486, 79-488.04," and after "79-490" insert a comma.

5. Renumber original sections 1 to 3 as sections 3 to 5 respectively.

(Signed) Jerome Warner, Chairman

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 646. Placed on Select File as amended.
E & R amendments to LB 646:

1. In the Kime amendment 1, line 5, insert "and which did not elect a clerk of the district court in 1970" after "inhabitants"; and in line 18 insert "in" after "election".

2. In new section 2, line 3, insert "and less than seven thousand inhabitants" after "more".

3. In the title, strike "reduce the" in line 4 and strike line 5 and insert "change provisions for election of the clerk and make election permissive in certain counties; to provide for setting of salaries;"

LEGISLATIVE BILL 873. Placed on Select File as amended.
E & R amendments to LB 873:

1. In new section 3, lines 4, 5, and 13, strike "said" and insert "the".

2. In the title, line 7, insert "to provide for an increase as prescribed;" after the semicolon.

LEGISLATIVE BILL 771. Placed on Select File as amended.
E & R amendment to LB 771:

1. In the title, strike line 5 and "credited" in line 6 and insert "provide discretion in how investments are made; to provide for crediting of interest on commingled funds"; in line 6 strike "and"; and in line 6 insert "; and to declare an emergency" after "section".

(Signed) John J. Cavanaugh, Chairman

GENERAL FILE

LEGISLATIVE BILL 975. Title read. Considered.

Standing Committee amendments found in the Journal on page 496 for the Twenty-first Day were adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 975A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

UNANIMOUS CONSENT—Change or Order

Mr. Carpenter asked unanimous consent to consider the Select File bills reported in this afternoon. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 646. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 873. E & R amendments found in this day's Journal were adopted.

Mr. Rasmussen offered the following amendment:

- 2 1. Insert a new section to read:
- 3 "Sec. 3. That section 39-7,128, Reissue Revised
- 4 Statutes of Nebraska, 1943, as amended by section 1,
- 5 Legislative Bill 590, Eighty-third Legislature, Second
- 6 Session, 1974, be amended to read as follows:
- 7 39-7,128. In order to prevent and eliminate
- 8 successive traffic violations, there is hereby provided a
- 9 point system dealing with traffic violations as disclosed
- 10 by the files of the Director of Motor Vehicles. The
- 11 following point system shall be adopted:
- 12 (1) Conviction of a felony in the commission of
- 13 which a motor vehicle was used - - 12 points;
- 14 (2) Third offense drunken driving in violation of
- 15 any city or village ordinance or of section 39-727, as
- 16 disclosed by the records of the director, regardless of
- 17 whether the trial court found the same to be a third
- 18 offense - - 12 points;
- 19 (3) Third offense reckless driving or willful
- 20 reckless driving, or any combination of the two, in
- 21 violation of any city or village ordinance or sections
- 22 39-7,107 to 39-7,107.05, as disclosed by the records of
- 23 the director, regardless of whether the trial court found
- 24 the same to be a third offense - - 12 points;

- 1 (4) Failure to stop and render aid as required
2 under the laws of this state in the event of a motor
3 vehicle accident resulting in the death or personal
4 injury of another - - 12 points;
- 5 (5) Failure to stop and render aid as required
6 under the laws of this state or any city or village
7 ordinance in the event of a motor vehicle accident
8 resulting in property damage if such accident is reported
9 by the owner or operator within twelve hours from the
10 time of the accident - - 4 points, otherwise - - 8 points,
11 and for purposes of this subdivision a telephone call or
12 other notification to the appropriate peace officers
13 shall be deemed to be a report;
- 14 (6) Driving a motor vehicle while under the
15 influence of alcoholic liquor or any drug in violation of
16 any city or village ordinance or of section 39-727 - - 6
17 points;
- 18 (7) Willful reckless driving in violation of any
19 city or village ordinance or of section 39-7,107.02 or
20 39-7,107.04 - - 6 points;
- 21 (8) Careless driving in violation of any city or
22 village ordinance or of section 39-669 - - 4 points;
- 23 (9) Negligent driving in violation of any city or
24 village ordinance - - 3 points;
- 25 (10) Reckless driving in violation of any city or
26 village ordinance or of section 39-7,107 - - 5 points;
- 1 (11) Speeding in violation of any city or village
2 ordinance or of section 39-662, 39-663, or 39-666: (a)
3 Not more than five miles per hour over the speed limit - -
4 1 point; (b) more than five miles per hour but not more
5 than ten miles per hour over the speed limit - - 2 points;
6 (c) more than ten miles per hour over the speed limit - -
7 3 points; Provided, that until the President of the
8 United States declares that there is no fuel shortage
9 requiring the application of the Emergency Highway Energy
10 Conservation Act or until June 30, 1975, only one point
11 shall be assessed upon conviction of exceeding by not
12 more than ten miles per hour the speed limits provided
13 for in subdivision (2) (c) or (d) of section 39-662 or
14 subdivision (1) (c), (d), or (e), (2) (c), (d), or (e), or
15 (4) (c) or (d) of section 39-666; and
- 16 (12) All other traffic violations involving the
17 operation of motor vehicles by the operator, for which
18 reports to the Department of Motor Vehicles are required
19 under sections 39-794 and 39-795, not including parking
20 violations, muffler violations, or overloading of trucks
21 - - 2 points.
- 22 All such points shall be assessed against the
23 driving record of the operator as of the date of the
24 violation for which conviction was had.
- 25 In all cases, the forfeiture of bail, not
26 vacated, shall be regarded as equivalent to the

- 27 conviction of the offense with which the operator was
1 charged.”.
2 2. Renumber original sections 3 and 4 as
3 sections 4 and 5.
4 3. On page 14, line 11, insert “and section
5 39-7,128, Reissue Revised Statutes of Nebraska, 1943, as
6 amended by section 1, Legislative Bill 590, Eighty-third
7 Legislature, Second Session, 1974,” before “are”.

The Rasmussen amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 771. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS **Constitutional Revision and Recreation**

LEGISLATIVE BILL 1031. Indefinitely postponed.

LEGISLATIVE BILL 1033. Indefinitely postponed.

(Signed) George Syas, Chairman

GENERAL FILE

LEGISLATIVE BILL 739. Title read. Considered.

Standing Committee amendments found in the Journal on page 497 for the Twenty-first Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 742. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 743. Title read. Considered.

Laid over.

LEGISLATIVE BILL 744. Title read. Considered.

Standing Committee amendment found in the Journal on page 498 for the Twenty-first Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 745. Title read. Considered.

Laid over.

LEGISLATIVE BILL 748. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 614. Title read. Considered.

Mr. Carpenter requested a roll call vote on advancing LB 614 to E & R for Review.

Voting in the affirmative, 27:

Anderson	Carpenter	C. Carsten	Cavanaugh	DeCamp
Duis	Fellman	Fowler	Goodrich	Hasebroock
Kelly	Kennedy	Kime	Kremer	Luedtke
Maresh	Moylan	Rasmussen	Richendifer	Schmit
Skarda	Snyder	Stromer	Stull	Warner
Whitney	Wiltse			

Voting in the negative, 7:

Barnett	Dickinson	Epke	Keyes	R. Lewis
Murphy	Syas			

Not voting, 15:

Burbach	F. Carstens	Chambers	Clark	Johnson
F. Lewis	Mahoney	Marsh	Marvel	Nore
Proud	Savage	Simpson	Stahmer	Waldron

Advanced to E & R for Review with 27 ayes, 7 nays and 15 not voting.

LEGISLATIVE BILL 855. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 864. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

MR. LUEDTKE PRESIDING

LEGISLATIVE BILL 794. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 146
February 25, 1974

Dear Senator Hasebrook:

At your request we have reviewed Legislative Bill 685 with reference to its possible invalidity. This bill is an act relating to the energy crisis and to provide the Governor with certain emergency powers in view thereof.

The act provides for the creation of a committee to make certain recommendations to the Governor and to make certain findings and studies. Section 5 of the act provides that:

"During such periods as the Governor shall determine that emergency procedures of energy usage must be followed to assure prevention of an energy crisis, the Governor is authorized to order immediate curtailment and allocation of energy use and to carry out such other actions as shall have been recommended by the committee pursuant to section 3 of this act. If the Governor shall determine that procedures recommended by the committee are not adequate, the Governor may order such other procedures and actions as he may deem necessary and appropriate to prevent an energy crisis."

This section was amended by the Standing Committee amendment to limit the Governor's authority as follows:

"* * *; Provided, that the Governor shall have no authority to suspend, amend, contradict, or nullify any service or priority being carried out by a public utility pursuant to an order or rule of a federal agency which has jurisdiction over the business of such public utility."

Provision is also made in the amendment that the act shall not be operative after March 15, 1975.

Under Section 6 of the act a requirement is made that any person who is affected by an order issued or action taken pursuant to the provisions of the act shall immediately comply with the order or action "notwithstanding any provision of law or contract to the contrary." This section further provides that the Governor may direct suppliers of energy to take such action on his behalf "as may be required to implement his orders issued pursuant to the provisions of this act, and no supplier shall be liable for actions taken in accordance with such directions." Section 8 of the act provides for a review of any order of the Governor to the committee and then to the District Court of Lancaster County. Section 9 of the act provides for a criminal penalty against "any person violating any order issued by the Governor pursuant to the provisions of this act."

Section 10 of the act provides:

"Because of the emergency nature of the provisions of this act, all actions authorized, required, or taken pursuant to any order issued by the Governor, shall be exempted from the

provisions of the state Environmental Protection Act or any provision, limitation, or restriction in effect under any other law of this state. No person shall be exempt from compliance with the provisions of any statute, rule or regulation unless specifically ordered by the Governor. All laws or parts of laws shall revert to their full force and effect at the time such order is terminated."

In Section 2 of the act energy crisis is defined as follows:

"Energy crisis shall mean any situation where the health, safety, or welfare of the citizens of this state are threatened by shortages of usable energy resources."

As you can see, the Governor is granted apparently unlimited powers in this area. This because of an impending or threatened energy crisis. Our state Supreme Court has previously considered what the Legislature may or may not authorize in emergency situations. In *Steinacher v. Swanson*, 131 Ne. 439, our court considered a statute designed to alleviate the condition of certain tax paying citizens who were unable to pay their taxes in accordance with law. This because of an emergency determined by the Legislature because of economic conditions. Our court quoted the Supreme Court of the State of Montana with favor as follows:

"* * *. Whether the policy of favoring some taxpayers of the same class over others is wise or unwise, the emergent conditions considered, is not for us to decide, nor was it a subject upon which the legislature had a right to legislate, for the expression of the supreme will of the people--the Constitution--decides the policy for us all. It must be remembered that the provisions of the Constitution are mandatory and prohibitory unless otherwise expressed, and these provisions read the same whether in fair weather or in foul. The proposition that an emergency justifies a removal of constitutional safeguards is an egregious fallacy. A safeguard once let down inevitable must lead to mischief. * * *."

Again in *First Trust Co. v. Smith*, 134 Neb. 84, 277 N. W. 762, the court considered legislation enacted because of an emergency. The act there provided for a moratorium on the foreclosure of mortgages. The court there said that emergency does not create power. It does not increase granted power or remove or diminish the restrictions imposed upon power granted or reserved. The grants of power by the Constitution to the state government and the limitations of the powers thus granted by the restrictions of such Constitution were determined in the light of emergency, and they are not altered by emergency. Provisions of the State Constitution retain their original virility and constitute present binding limitations on the exercise of governmental powers, legislative, executive or judicial, which emergency may not impair, destroy or modify.

We shall not attempt to analyze and set forth all the possible constitutional objections which may apply to this bill. We note that it is certainly questionable as being an improper delegation of legislative authority to the Governor in violation of Section 1 of Article II of the

Constitution of Nebraska. In *Lincoln Dairy Co. v. Finigan*, 170 Neb. 777, 104 N. W. 2d 227, the court pointed out that a grant of power to the head of an executive department of state government to promulgate rules and regulations in accordance with his judgment or whim, the violation of which are made crimes subject to punishment, is an unconstitutional delegation of legislative power to an administrative authority.

In the bill under consideration the criminal penalties go to any order of the Governor made by him pursuant to the act. Such an order may be directed to any person or group of persons so long as it deals with any usable energy sources. The public in this state has a right to know the acts which constitute crimes and the punishments provided therefor. They may properly assume that crimes and punishment are purely a legislative function and that the definition of all crimes and the punishment therefor will be found in the duly enacted statutes of this state. See, *Lincoln Dairy Co. v. Finigan*, supra.

Yours very truly,
CLARENCE A. H. MEYER
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:ejg
cc: Vincent D. Brown

UNANIMOUS CONSENT—Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 772 and LB 984 in the Journal. No objections. So ordered.

Amendments to LB 772

(1)

1) Strike the Carpenter amendments adopted on the 27th day.

2) Page 8, line 5, after "8." insert "(1)" and after line 16, insert:

"(2) If the funds provided for distribution under the provisions of Section 7 are in excess of the amount required, the excess funds shall be distributed in accordance with the provisions of Section 6"

3) Page 9, line 25, strike "Any"; strike lines 26 and 27 and insert:

"(3) Should the amount provided for allocation under this section be in excess of the needs shown in subsection (2) of this section, the excess funds shall be distributed under the provisions of Section 7 of this act."

4) Strike the Committee amendment on Page 6 and insert:

"(a) In the 1975-76 school year equal to four hundred dollars for each in kindergarten, seven hundred fifty dollars for each pupil in grades one to six, eight hundred fifty dollars for each pupil in grades seven and eight, and nine hundred dollars for each pupil in grades nine to twelve."

5) Page 7, strike lines 4, 5, and 6, and insert "shall be increased

by seven percent per annum."

- 6) Page 7, line 24, strike "May 1, 1974" and insert "February 1, 1975".
- 7) Page 7, line 26, strike "for 1974-75" and insert "for the 1975-76 school year".
- 8) Page 13, line 1, strike "1974" and insert "1975"
- 9) Page 14, line 12, after 1975-76, insert "and 1976-77"
- 10) Page 15, line 4, strike "fifteen" and insert "twenty-two".
- 11) Page 12, strike lines 18-22, insert "funds."

(II)

- 1) Page 5, line 12, strike "sixty" and insert "fifty".

Amendments to LB 984

(I)

Amend the amendments printed in the Journal for the 28th day as follows:

1. Section 2, line 26, strike "and"
2. Section 2, after line 26, add
"(5) Federal Funds transferred to school lunch or transportation programs; and"
3. Section 2, line 26, strike "(5)" and insert "(6)"
4. Section 4, lines 12 and 23, strike "June 30" and insert "March 31"
5. Section 6, line 7, strike "a"
6. Section 6, strike lines 9 to 12 and insert
"be determined. If expenditures are made"
7. Section 9, line 2, strike "subsection (4) of this section" and insert
"Section 6 of this Act"
8. Repeal the original Sections 79-4,159 to 79-4,162 and 79-4,164 to 79-4,168.
9. Add the emergency clause.

(II)

1. Insert a new section 1 and 2:
"Section 1. There is hereby appropriated ten million dollars from the General Fund to the School Foundation and Equalization Fund for the period July 1, 1974 to June 30, 1975."

"Section 2. There is hereby appropriated to the State Department of Education ten million dollars from the General Fund to be distributed in accordance with the provisions of 79-4,160, as amended by the original Section 1 of this Act."

2. Renumber the original sections 1 to 8 as 3 to 10 respectively.

Mr. Whitney asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

Amendment to LB 984

Add a new section to read as follows:

Sec. . That section 79-1336, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1336. Subject to the conditions imposed by section 79-1330 to 79-1344, the School Foundation and Equalization Fund shall be used to insure such district the following total financial support:

(1) ~~Two hundred twenty five~~ Three hundred seventy-five dollars per kindergarten pupil, ~~four~~ seven hundred fifty dollars per pupil in grades one through six, ~~five~~ nine hundred dollars per pupil in grades seven and eight, and ~~five hundred fifty one~~ thousand two hundred dollars per pupil in grades nine through twelve, the applicable sum for each category to be multiplied by the average daily membership for the preceding year of resident and nonresident pupils in each category; and

(2) When the population density in any county is less than four persons per square mile, as determined from the most recent federal decennial census, the total financial support under subdivision (1) of this section insured for each district in the county shall be increased by the following percentages: (a) If the population density is three or more but less than four persons per square mile, ten per cent; (b) if the density is two or more but less than three persons per square mile, twenty per cent; (c) if the density is one or more but less than two persons per square mile, thirty per cent; and (d) if the density is less than one person per square mile, forty per cent; Provided, any school district within a qualifying county showing a density greater than provided in this subdivision shall not qualify for such percentage increases.

UNANIMOUS CONSENT—Bracket LB 692

Mr. Murphy asked unanimous consent to bracket LB 692 on General File for Thursday, February 28, 1974. No objections. So ordered.

MOTION—Place LB 1033 on General File

Mr. Fellman moved to place LB 1033 on General File notwithstanding the action of the Committee. Motion pending.

VISITORS

Mr. Whitney introduced Representative Harold Sieh and wife from South Dakota Legislature; 17 students and teacher from St. Teresa School, Lincoln and 9 Government Interns and teacher from Urbandale High School, Des Moines, Iowa.

ADJOURNMENT

At 4:08 p.m., on a motion by Mr. Wiltse, the Legislature adjourned until 9:00 a.m., Tuesday, February 26, 1974.

Vincent D. Brown
Clerk of the Legislature

THIRTY-FOURTH DAY—FEBRUARY 26, 1974

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 26, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., Mr. Whitney presiding.

PRAYER

The prayer was offered by the Chaplain.

Lord God of heaven, who has so lavishly blessed this our beloved state, keep us humble. Forgive our boasting and our pride, and help us to share what Thou has given. Impress us with a sense of responsibility, and remind us, lest we become filled with conceit, that one day a reckoning will be required of us. Sanctify our love of state, that our boasting may be turned into humility and our pride into ministry to all men everywhere. Make this land thy servant, thy chosen channel of blessing to others, lest we be cast out, and our place be given to another. Make this God's own country by making us willing to live like God's people. We ask these things in the name of Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Proud who was excused and Messrs. Fellman and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-third Day was approved.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 228. With Emergency.

A BILL FOR AN ACT to amend section 43-234, Reissue Revised Statutes of Nebraska, 1943, and section 24-703, Revised Statutes Supplement, 1973, relating to juvenile court; to provide for retirement contributions; to provide state funding for the salary of the judges; to provide for stenographic reporters; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kremer	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Fellman	Kime	F. Lewis	R. Lewis	Proud
Warner	Whitney			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 228A. With Emergency.

A BILL FOR AN ACT to appropriate eighty-five thousand three hundred ninety-five dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975, to District Courts, Agency 6, for Program 006, judges salaries, eighty-four thousand three hundred ninety-five dollars, and for Program 392, judges and reporters expense, one thousand dollars, to aid in carrying out the provisions of Legislative Bill 228, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kremer	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Fellman	Kime	F. Lewis	R. Lewis	Proud
Warner				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 697.

A BILL FOR AN ACT to adopt the Interstate Corrections Compact.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Carpenter	F. Carstens	Fellman	Kime	F. Lewis
Nore	Proud	Warner		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1034. With Emergency.

A BILL FOR AN ACT for submission to the electors of an amendment to Article IV, section 15, of the Constitution of Nebraska, relating to the Legislature; to eliminate provisions requiring that every order, resolution, or vote of the Legislature be presented to the Governor; to provide for the submission of the proposed amendment to the electors at the primary election in May, 1974; to provide for the manner of submission and form of ballot; to provide the effective date thereof; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the primary election in May, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article IV, section 15, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 15. Every bill passed by the Legislature, before it becomes a law, shall be presented to the Governor. If he approves he shall sign it, and thereupon it shall become a law, but if he does not approve or reduces any item or items of appropriations, he shall return it with his objections to the Legislature, which shall enter the objections at large upon its journal, and proceed to reconsider the bill. If then three-fifths of the members elected agree to pass the same it shall become a law, notwithstanding the objections of the Governor. In all such cases the vote shall be determined by yeas and nays, to be entered upon the journal. Any bill which shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him shall become a law in like manner as if he had signed it; unless the Legislature by their adjournment prevent its return; in which case it shall be filed, with his objections, in the office of the Secretary of State within five days after such adjournment, or become a law. The Governor may disapprove or reduce any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, and the items reduced shall remain as reduced unless repassed in the manner herein prescribed in cases of disapproval of bills."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to delete as obsolete language referring to submission by the two-house Legislature of certain orders, resolutions, or votes of the Legislature to the Governor.

For
Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Barnett	Carpenter	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Marsh	Marvel	Moylan
Murphy	Rasmussen	Savage	Schmit	Simpson
Skarda	Snyder	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 10:

Anderson	Burbach	Kelly	Kennedy	Keyes
Maresh	Nore	Richendifer	Stahmer	Waldron

Not voting, 1:

Proud

Having failed to receive a constitutional four-fifths majority having voted in the affirmative, with the primary election clause attached, the question is, "Shall the bill pass with the general election clause inserted?"

Voting in the affirmative, 37:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kime	Kremer	F. Lewis	Luedtke
Mahoney	Marsh	Marvel	Moylan	Murphy
Rasmussen	Savage	Schmit	Simpson	Skarda
Snyder	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 9:

Anderson	Kelly	Kennedy	Keyes	Maresh
Nore	Richendifer	Stahmer	Waldron	

Not voting, 3:

Epke	R. Lewis	Proud
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A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1036. With Emergency.

A BILL FOR AN ACT to amend section 3, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, relating to appropriations; to increase an appropriation for the School for the Deaf; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 1:

Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

VISITORS

Mr. Mahoney introduced Representative John Thomas, from the Indiana Legislature, Chairman of Council of State Governments and Mr. Jim Bowhay. Mr. Thomas addressed the members.

MOTIONS—Introduce Bills

Mr. Maresh moved the introduction of a new bill by the Labor Committee (Req. No. 1608). The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Maresh moved the introduction of a new bill by the Labor Committee (Req. No. 1609). The motion prevailed with 33 ayes, 0 nays and 16 not voting.

Mr. Kennedy moved the introduction of a new bill by the Committee on Public Health and Welfare (Req. No. 1612). The motion prevailed with 32 ayes, 0 nays and 17 not voting.

ANNOUNCEMENT

Mr. Waldron announced a meeting of Miscellaneous Subjects Committee immediately.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1049. By Labor Committee: Maresh, 32nd District, Chairman; Kime, 43rd District; Dickinson, 31st District; Cavanaugh, 9th District; Kelly, 35th District; Kennedy, 21st District.

A BILL FOR AN ACT to make appropriations for the payment of miscellaneous claims against the state; to provide how payments shall be made; and to declare an emergency.

LEGISLATIVE BILL 1050. By Labor Committee: Maresh, 32nd District, Chairman; Kime, 43rd District; Dickinson, 31st District; Cavanaugh, 9th District; Kelly, 35th District; Kennedy, 21st District.

A BILL FOR AN ACT to disallow certain claims against the state.

LEGISLATIVE BILL 1051. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; R. Lewis, 38th District; Cavanaugh, 9th District; F. Lewis, 45th District; Goodrich, 20th District.

A BILL FOR AN ACT to adopt the Emergency Medical Services Act; to

provide for the regulation of ambulances and ambulance attendants; to provide penalties; and to provide severability.

SELECT FILE

LEGISLATIVE BILL 721. Laid over.

LEGISLATIVE BILL 293. Laid over.

LEGISLATIVE BILL 888. E & R amendment found in the Journal on page 745 for the Thirty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 954. E & R amendment found in the Journal on page 745 for the Thirty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 925. E & R amendment found in the Journal on page 745 for the Thirty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 811. E & R amendments found in the Journal on page 746 for the Thirty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 790. E & R amendment found in the Journal on page 746 for the Thirty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 813. E & R amendments found in the Journal on page 746 for the Thirty-third Day were adopted.

Laid over at the request of Mr. F. Lewis.

LEGISLATIVE BILL 779. E & R amendments found in the Journal on page 771 for the Thirty-third Day were adopted.

Mr. Warner moved to Indefinitely Postpone.

Mr. Richendifer moved for a Call of the House. The motion lost with 8 ayes, 14 nays and 27 not voting.

The Warner motion to indefinitely postpone lost with 11 ayes, 16 nays and 22 not voting.

Mr. Kremer offered the following amendment:
Add a new section to amend 37-526 RRS 1943,
37-526 "It shall be unlawful to hunt, kill, take or pursue
or to attempt to hunt, kill, take or pursue any form of wild
mammal or wild bird within a two hundred yard radius of an
inhabited dwelling or livestock feed lot; Provided, that this
section shall not prohibit any owner, tenant or operator
or their guests from hunting, killing, taking or pursuing
any form of wild mammal or wild bird within such radius
if the area is under their ownership or control."

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment with 26 ayes, 5 nays and 18 not voting.

MOTION—Return LB 790 to Select File

Mr. C. Carsten moved to return LB 790 to Select File for the following specific amendment.

1. In standing committee amendment 1, strike beginning with "in" in line 5 through "the" in line 6; and in line 7, strike "may" and insert "shall".

2. In standing committee amendment 3, line 2, insert "or" after "81-1212".

3. In standing committee amendment 4, line 4, insert "to the entire region" after "services".

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 790. The C. Carsten specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print in Journal

Mr. Simpson asked unanimous consent to print the following amendment to LB 643 in the Journal. No objections. So ordered.

(Amendments printed and on file in Clerks office.)

SELECT COMMITTEE REPORTS
Enrollment and Review**Correctly Enrolled**

The following bills were correctly enrolled: 640 and 684.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 1017. Placed on General File as amended.

Standing Committee amendments to LB 1017:

1. On page 2 line 8 insert "in the state highway system" after "highways".
2. On page 2 line 15 strike "Trust" and insert "Cash".
- . On page 2 line 17 insert "in the state highway system" after "highways".

(Signed) Maurice A. Kremer, Chairman

Judiciary

LEGISLATIVE BILL 746. Placed on General File as amended.

Standing Committee amendment to LB 746:

1. On page 2, line 12 after "privacy" insert ", as qualified and limited by common law and state and federal statutory and constitutional privileges and defenses"; in line 15 after "suits" insert ", as qualified and limited by common law and state and federal statutory and constitutional privileges and defenses,".

LEGISLATIVE BILL 1008. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 873. Replaced on Select File as amended.

E & R amendments to LB 873:

1. On page 9, line 8, strike the second "or" and insert "and".
2. Renumber the new section added by the Rasmussen amendment as section 4 and original sections 3 and 4 as sections 5 and 6.
3. In the title, line 3, insert ", and section 39-7,128, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 590, Eighty-

third Legislature, Second Session, 1974" after "1973"; and in line 7 insert "to change the number of points assessed for speeding offenses;" after the E & R amendment adopted 2/25.

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE BILL 873. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. Simpson asked unanimous consent to be excused on Friday, March 1, 1974. No objections. So ordered.

MOTIONS—Rule Changes

Mr. Duis moved to amend Rules as follows: add

Rule 6, Sec. 7 (Page 32)

(d) Any bill returned to Select File for a specific amendment may, if the amendment is rejected, be readvanced to Final Reading without going through Enrollment & Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Referred to Rules Committee.

Mr. Cavanaugh moved to amend Rule 3, Sec. 7, page 12 to read as follows: Sec. 7. Executive Sessions, Press. Executive sessions of standing committees shall be open to the news media.

~~Reports on votes by a committee shall be as follows:~~

- ~~1. The vote of an individual Senator on all motions may be reported.~~
- ~~2. The press may report the vote of individual Senators by name on any motion.~~

Senators not a member of a committee may be present when the committee is in executive session but may not participate in the deliberations of the committee.

(Privilege of press on floor. Rule 2, Sec. 3biii, page 8.)

Referred to Rules Committee.

UNANIMOUS CONSENT—Approve Appointments

Mr. Barnett asked unanimous consent to approve the following appointments, found in the Journal on pages 766 through 768, in one record vote. No objections. So ordered. Betty Abbott, Louis G. Riha,

Leonard J. Schaefer, John T. Harris, Theodore C. Reeves.

Voting in the affirmative, 27:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	DeCamp	Dickinson	Epke	Fellman
Kelly	Keyes	Kremer	F. Lewis	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Savage	Schmit	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 22:

Burbach	Chambers	Clark	Duis	Fowler
Goodrich	Hasebroock	Johnson	Kennedy	Kime
R. Lewis	Luedtke	Proud	Rasmussen	Richendifer
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Waldron			

The Chair declared the appointments confirmed.

UNANIMOUS CONSENT—Print in Journal

Mr. Carpenter asked unanimous consent to print the following amendment to LB 721 in the Journal. No objections. So ordered.

Sec. 5. Add new Section 8-1116.01:

8-1116.01. Violation of act, cease-and-desist orders; hearings.

(1) Whenever it shall appear to the director that the sale of any security is subject to registration under this act and is being offered or has been offered for sale without such registration, the director may order the issuer or offeror of such security to cease and desist from the further offer or sale of such security unless and until it has been registered under this act.

(2) Whenever it shall appear to the director that any person is acting as a broker-dealer, investment advisor or agent without registration as such, the director may order such person to cease and desist from such activity unless and until he has been registered as such under this act.

(3) If, after such an order has been made under subdivisions (1) or (2) of this section, a request for a hearing is filed in writing by the person to whom such order was directed, a hearing shall be held by the

director, such hearing to be held within fifteen days after receipt of the request for hearing. Upon conclusion of such hearing, the director may affirm, modify or vacate the order made under this section.

MOTION—Place LB 1033 on General File

Mr. Fellman renewed his pending motion found in the Journal on page 801 for the Thirty-third Day to place LB 1033 on General File notwithstanding the action of the committee.

Mr. Richendifer moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 18 nays and 11 not voting.

Messrs. Burbach and Johnson asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

Mr. Fellman requested a record vote on his motion.

Voting in the affirmative, 17:

Anderson	Carpenter	Cavanaugh	Chambers	Dickinson
Fellman	Fowler	Keyes	F. Lewis	Mahoney
Maresh	Marsh	Moylan	Savage	Skarda
Stahmer	Waldron			

Voting in the negative, 23:

Barnett	C. Carsten	F. Carstens	DeCamp	Epke
Goodrich	Kelly	Kennedy	Kime	Kremer
R. Lewis	Luedtke	Marvel	Murphy	Nore
Rasmussen	Richendifer	Schmit	Snyder	Stull
Syas	Warner	Wiltse		

Not voting, 9:

Burbach	C. Carsten	Duis	Hasebroock	Johnson
Proud	Simpson	Stromer	Whitney	

The motion lost with 17 ayes, 23 nays and 9 not voting.

UNANIMOUS CONSENT—Order of Day

Mr. Carpenter asked unanimous consent to consider non-controversial bills this afternoon starting with LB 932. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee
1049	General File
1050	General File
1051	Public Health and Welfare

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

LB 1051 Tuesday, March 5, 1974

12:30 p.m.

(Signed) Thomas Kennedy, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Carpenter asked unanimous consent to print the following motion in the Journal.

Mr. Richendifer objected.

Mr. Carpenter moved to print the motion in the Journal. The motion prevailed with 25 ayes, 7 nays and 17 not voting.

I move that the Governor be requested to transfer Mr. Chizek back to the Labor Department rather than serve in his position of lobbying for the Governor's proposed legislation.

In his place I suggest that he send in Mr. Whelan, his heir apparent, who is a self-appointed expert in the field of legislation pertaining to affairs of state, both national and international, to report his viewpoint, which most of the time does require interpretation.

(Signed) Terry Carpenter — SSS
Senile Senator from Scottsbluff

Laid over.

ANNOUNCEMENT

Mr. Marvel announced a meeting of the Appropriations Committee at noon today.

MOTION—Place LB 901 on General File

Mr. Chambers moved to place LB 901 on General File notwithstanding the action of the committee.

Motion pending. Laid over.

MOTION—Place LB 642 on General File

Mr. Moylan moved to place LB 642 on General File notwithstanding the action of the Committee. The motion prevailed with 25 ayes, 14 nays and 10 not voting.

MR. LUEDTKE PRESIDING**POINT OF PERSONAL PRIVILEGE**

Mr. Carpenter discussed the lobbying situation with the members.

STANDING COMMITTEE REPORTS**Agriculture and Environment**

LEGISLATIVE BILL 802. Indefinitely postponed.

LEGISLATIVE BILL 946. Indefinitely postponed.

LEGISLATIVE BILL 679. Placed on General File as amended.

Standing Committee amendments to LB 679:

1. Page 3, line 1, insert new section 3 as follows:

"Sec. 3. That section 39-727.17, Revised Statutes

2 Supplement, 1972, be amended to read as follows:

3 39-727.17. Upon receipt of the officer's report of such

4 refusal, the Director of Motor Vehicles shall notify such person

5 of a date for hearing before him as to the reasonableness of

6 the refusal to submit to the test. The notice of hearing shall

7 be served by the director by mailing it to such person by certified

8 or registered mail to the last-known residence address of such

9 person, or, if such address is unknown, to the last-known business

10 address of such person at least ten days before the hearing.

11 After granting the person an opportunity to be heard on such

12 issue, if it is not shown to the director that such refusal to

13 submit to such chemical test was reasonable, the director shall

14 summarily revoke the motor vehicle operator's license or non-

15 resident operating privilege of such person for a period of

16 ~~one year~~ six months from the date of such order. For the purpose

17 of such hearing, the director may appoint an examiner who shall

18 have power to preside at such hearing, to administer oaths, ex-

19 amine witnesses and take testimony, and thereafter report the same

20 to the director."

2. Page 3, line 1, renumber section 3 as section 4, insert comma after "39-727.07", strike "and".
3. Page 3, line 2, after the first comma insert "and 39-727.17,".

LEGISLATIVE BILL 1037. Placed on General File as amended.
Standing Committee amendment to LB 1037:

1. On page 4, line 7, strike "shall" and insert "may".

(Signed) Loran Schmit, Chairman

EXPLANATION OF VOTE

Had I been present, I would have voted to raise LB 642.

(Signed) George Syas

UNANIMOUS CONSENT—Print in Journal

Mr. Waldron asked unanimous consent to print amendments to LB 327 in the Journal. No objections. So ordered. (Amendments printed separate from the Journal and on file in the Clerk's Office.)

UNANIMOUS CONSENT—Member Excused

Mr. Cavanaugh asked unanimous consent to be excused this afternoon. No objections. So ordered.

RECESS

At 11:53 a.m., on a motion by Mr. Luedtke, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:04 p.m., Mr. Whitney presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cavanaugh, Proud, Stromer and members of the Appropriations Committee who were excused; members of the Agriculture and Environment Committee who were excused until they arrived.

UNANIMOUS CONSENT—Order of Day

Mr. Carpenter asked unanimous consent that bills be advanced from General File this afternoon by unanimous consent, unless someone objects. No objections. So ordered.

The Chair so ruled to take non-controversial bills and advance them by unanimous consent, unless someone objects.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly enrolled

The following bill was correctly enrolled: 1036.

(Signed) John J. Cavanaugh, Chairman

GENERAL FILE

LEGISLATIVE BILL 747. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 722. Title read. Considered.

Standing Committee amendment found in the Journal on page 511 for the Twenty-second Day was adopted.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 723. Title read. Considered.

Standing Committee amendment found in the Journal on page 511 for the Twenty-second Day was adopted.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 733. Title read. Considered.

Standing Committee amendment found in the Journal on page 511 for the Twenty-second Day was adopted.

Mr. Luedtke offered the following amendment which was adopted.

1. Strike section 3 and renumber sections 4 to 7 as sections 3 to 6 respectively.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 972. Title read. Considered.

Mr. Carpenter offered the following amendment which was adopted:

1. Strike original sections 1 and 2 and insert the following:

"Section 1. The Department of Public Welfare shall make provision for statewide child care services whenever state expenditures may be matched with at least seventy-five per cent federal funds. Such additional services shall be provided only if it does not cause a loss of federal funds in any other state public welfare activities. Notice of child care facilities shall be given to each family known to have need for such services."

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 654. Title read. Considered.

Standing Committee amendments found in the Journal on page 521 for the Twenty-second Day were adopted.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 826. Title read. Considered.

Standing Committee amendments found in the Journal on page 521 for the Twenty-third Day were adopted.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 768. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 661. Indefinitely postponed.

LEGISLATIVE BILL 1030. Indefinitely postponed.

LEGISLATIVE BILL 1041. Indefinitely postponed.

(Signed) George Syas, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Snyder asked unanimous consent to be excused at 3:00 p.m. for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 875. Title read. Considered.

Standing Committee amendments found in the Journal on page 548 for the Twenty-fourth Day were adopted.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 991. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 992. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 993. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 994. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 676. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 909. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 824. Title read. Considered.

Mr. Fowler offered the following amendment to the Standing Committee amendments, which was adopted:

To amend in renumbered Sec. 3 of the committee amendments line 7, strike public and insert "nonprofit".

The Standing Committee amendments found in the Journal on page 564 for the Twenty-fifth Day were adopted as amended.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 805. Title read. Considered.

Standing Committee amendments found in the Journal on page 577 for the Twenty-fifth Day were adopted.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 796. Title read. Considered.

Standing Committee amendments found in the Journal on page 586 for the Twenty-sixth Day were rejected.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 784. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

SELECT COMMITTEE REPORTS **Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: 646, 771, 873, 888, 888A, 925, 925A, and 954.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT **Government, Military, and Veterans Affairs**

LEGISLATIVE BILL 690. Indefinitely postponed.

LEGISLATIVE BILL 625. Placed on General File as amended.

(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office)

LEGISLATIVE BILL 812. Placed on General File.

LEGISLATIVE BILL 823. Placed on General File.

(Signed) Ernest Chambers, Chairman

Revenue

LEGISLATIVE BILL 914. Placed on General File as amended
Standing Committee amendments to LB 914:

1. Strike original sections 1 to 7 and insert the following new sections 1 to 7.

"Section 1. The Nebraska State Board of Agriculture shall cause plans, workings, drawings and specifications to be prepared for the improvement, construction and equipping of the grandstand, race track and related facilities

on the Nebraska State Fair Grounds at a cost of not to exceed \$5,000,000 plus the amount of investment income received by the Nebraska State Fair Grounds Building Fund and by any of the bond or reserve funds established in connection with a County of Lancaster bond issue used to finance such grandstand, race track and related facilities.

Sec. 2. The Nebraska State Board of Agriculture is authorized to enter into an agreement with the County of Lancaster, Nebraska, pursuant to the provisions of sections 72-1401 to 72-1408, said agreement to be approved and also signed by the Governor, providing for the supplying by the County of Lancaster to the State of Nebraska of a grandstand, race track and related facilities to be located on the Nebraska State Fair Grounds, which buildings and facilities will become property of the State of Nebraska upon exercise of any option to purchase. The State of Nebraska by the Governor and Secretary of State are hereby authorized to convey or lease to the County of Lancaster that part of the real estate located in the Nebraska State Fair Grounds upon which such grandstand, race track and related facilities are to be located.

Sec. 3. There is hereby created for the use of the State Building Commission a fund to be known as the Nebraska State Fair Grounds Building Fund to consist of such money as is hereafter appropriated to such fund by the Legislature. Any money in the Nebraska State Fair Grounds Building Fund available for investment shall be invested by the State Investment Officer pursuant to the provisions of Chapter 72, article 12 and amendments thereto. The proceeds of the
Nebraska
State Fair Grounds Building Fund shall be expended for the costs and payments to be made by the Nebraska State Board of Agriculture to the County of Lancaster for the use by the State of Nebraska and Nebraska State Board of Agriculture of such grandstand, race track and related facilities.

Sec. 4. There is hereby appropriated from the State General Fund to the Nebraska State Fair Grounds Building Fund from the gross sum wagered by the pari-mutual method at race meetings conducted by the Nebraska State Board of Agriculture five per cent of any amount in excess of \$1,000,000, which amount is hereby appropriated to such fund for each fiscal year beginning the fiscal year commencing July 1, 1974 and continuing for each fiscal year thereafter until June 30, 1994.

Sec. 5. That section 72-1401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1401. The purposes of sections 72-1401 to 72-1408 are (1) to permit the state and cities, ~~and~~ villages, and counties to make the most efficient use of their powers by enabling them to cooperate with each other in providing services and facilities, and (2) to permit cities, ~~and~~ villages, and counties to assist the state by making available to the state, at no greater than cost to the state than the cost thereof to the municipality, buildings and facilities, or portions thereof, thereby enabling the state better to serve the inhabitants of such cities ~~and~~ villages and counties and the surrounding region thereof or better to serve the public of the state at large.

Sec. 6. That section 72-1402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1402. For the purposes of sections 72-1401 to 72-1408 municipality shall mean any city, or village, or county of this state.

Sec. 7. That original sections 72-1401 and 72-1402, Reissue Revised Statutes of Nebraska, 1943, are repealed."

LEGISLATIVE BILL 917. Placed on General File as amended.
Standing Committee amendments to LB 917:

1. On page 2, strike original section 1 and insert the following two new sections:

"Section 1. The Legislature finds that an accelerated completion of modern soils surveys will be an asset to the State of Nebraska and good for the general welfare of the citizens of the State. The Legislature further finds that such an accelerated soils survey program can be most appropriately completed through a combined state and federal effort and can be most efficiently completed over a period of twelve years after the passage of the act. It is therefore the intent of this Legislature to embark upon an accelerated program for the completion of Nebraska's modern soils surveys to be completed over a twelve year period and to recommend that the State of Nebraska and the Legislature of the State appropriate the funds necessary to carry out this accelerated program during the twelve years required for its completion.

Sec. 2. The State Treasurer is hereby directed to create and establish the Nebraska Soil Survey Fund and is directed to credit to such fund for the uses and purposes of this act such money as shall be specifically appropriated or reappropriated by the Legislature. The Legislature shall:

In the first year appropriate the sum of \$336,500.00.

In the second year appropriate the sum of \$422,100.00.

In the third year appropriate the sum of \$531,400.00.

In the fourth year appropriate the sum of \$559,300.00.

In the fifth year appropriate the sum of \$627,200.00.

In the sixth year appropriate the sum of \$682,400.00.

In the seventh year appropriate the sum of \$735,700.00.

In the eighth year appropriate the sum of \$789,700.00.

In the ninth year appropriate the sum of \$617,300.00.

In the tenth year appropriate the sum of \$502,300.00.

In the eleventh year appropriate the sum of \$468,700.00.

In the twelfth year appropriate the sum of \$273,400.00.

In each of the twelve years such additional funds shall be appropriated to the fund as shall be necessary to provide for increased costs in excess of the five per cent rate of inflation which has been computed into the sums directed for appropriation. The Nebraska Natural Resources Commission shall allocate money from the Nebraska Soil Survey Fund for the purposes of this act. The Director of Administrative Services, upon receipt of proper vouchers approved by the Nebraska Natural Resources Commission, shall issue his warrants on said funds; and the State Treasurer shall countersign and pay from, but never in excess of, the amounts to the credit of said fund.

2. Renumber original section 2 as section 3.

3. On page 2, line 11 before "for" insert "by contractual agreement with the Conservation and Survey Division, University of Nebraska,"

4. On page 2, line 11 after "of" insert "accelerating the program of modern".

LEGISLATIVE BILL 918. Placed on General File as amended.
Standing Committee amendment to LB 918:

1. On page 4 strike lines 2 to 4 and insert:

“(10) Contract with other state agencies, political subdivisions, or private agencies to coordinate the soil survey program and receive donations and other funds from any source.”.

(Signed) J. W. Burbach, Chairman

GENERAL FILE

LEGISLATIVE BILL 757. Title read. Considered.

Mr. Barnett moved to amend the Standing Committee amendment by striking “or primary class” in line 5. The amendment was adopted.

Standing Committee amendments found in the Journal on page 591 for the Twenty-sixth Day were adopted, as amended.

Laid over.

LEGISLATIVE BILL 924. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 694. Title read. Considered.

Mr. Keyes offered the following amendment which was adopted:

1. On page 3, line 1 strike “three hundred” and insert “sixty”.

Mr. Moylan offered the following amendment which was adopted:

Add the Emergency Clause.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 911. Title read. Considered.

Standing Committee amendments found in the Journal on page 630 for the Twenty-eighth Day were adopted.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 922. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 886. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 893. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 974. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 920. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 832. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 966. Title read. Considered.

Advanced to E & R for Review by unanimous consent.

LEGISLATIVE BILL 921. Title read. Considered.

Standing Committee amendments found in the Journal on page 670 for the Thirtieth Day were adopted.

Mr. Carpenter offered the following amendments which were adopted:

1. Insert new section 2, page 3 as follows:

"Sec. 2. That section 39-722.01, Revised Statutes Supplement,

2 1973, be amended to read as follows:

3 39-722.01. (1) The Department of Roads or the Nebraska State

4 Patrol with respect to highways under their jurisdiction including

5 the National System of Interstate and Defense Highways, and county

6 authorities with respect to highways under their jurisdiction may

7 in their discretion upon application and good cause being shown

8 therefor, issue a special permit in writing authorizing the applicant

9 (a) to operate or move a vehicle, a combination of vehicles or

10 objects of a size or weight of vehicle or load exceeding the maximum

11 specified by law when such permit is necessary to further the

12 national defense or the general welfare, (b) to permit movement of

13 cost-saving equipment to be used in highway or other public con-

14 struction or in agricultural land treatment, or is necessary

15 because of an emergency, an unusual circumstance, or a very special

16 situation, ~~or~~ (c) to operate vehicles loaded up to twenty-five

17 per cent greater than the maximum weight specified by law when

18 carrying grain or other seasonally harvested products from the

19 field where they are harvested ~~to storage or interim sites of~~

20 ~~temporary storage to locations of permanent storage or market~~

21 when failure to move in abundant quantities would cause an economic

22 loss to the person or persons whose product or products are being

23 transported or when failure to move such product or products in as
24 large quantities as possible would not be in the best interests of
25 the national defense or general welfare, or (d) as a special energy
26 conservation measure, to operate vehicles loaded up to fifteen
27 per cent greater than the maximum rate specified by law during
28 such part of the period from November 1 to April 1 as the Director-
29 State Engineer determines that soil frost conditions are such that
30 the additional weight may be transported without damage to roadbeds
31 and limited to such road or roads as he may specify; Provided, no
32 permit shall be issued under subdivisions (a) and (b) of this
33 subsection for a vehicle carrying a load unless such vehicle is
34 loaded with an object which exceeds the size or weight limitations
35 and which object cannot be dismantled or reduced in size or weight
36 without great difficulty and which of necessity must be moved
37 over the highways to reach its intended destination; and provided
38 further, no permit shall be required for the temporary movement
39 on roads other than dustless-surfaced state highways and for neces-
40 sary access to points on such highways during daylight hours of
41 cost-saving equipment to be used in highway or other public con-
42 struction or in agricultural land treatment where such temporary
43 movement is necessary and for a reasonable distance; and no permit
44 shall be required for vehicles engaged in carrying grain or other
45 seasonably harvested products from the field where they are har-
46 vested or interim sites of temporary storage to locations of per-
47 manent storage or market.

48 (2) The application for any such permit shall specifically
49 describe the vehicle and the load to be operated or moved and
50 whenever possible the particular highways, roads, or streets for
51 which permit to operate is requested, and whether such permit is
52 requested for a single trip or for continuous operation. The
53 application for the special permit authorized by subdivision (1)
54 (d) of this section shall cover all vehicles operated in this
55 state by the applicant and shall be in such form as the Director-
56 State Engineer shall prescribe, and a separate permit shall be
57 issued for each vehicle of the applicant.

58 (3) The department or county authority is authorized to issue
59 or withhold such permit at its discretion; or, if such permit is
60 issued, to limit the number of days during which the permit is valid,
61 to limit the number of trips, or to establish seasonal or other
62 time limitations within which the vehicles described may be oper-
63 ated on the highways indicated, or to issue a continuing permit
64 for use only on highways other than the National System of Interstate
65 and Defense Highways to (a) a manufacturer or its carrier covering
66 all similar vehicles or products produced by such manufacturer,
67 or (b) the owner of vehicles described in subdivision (1) (c) of
68 this section, subject to reasonable conditions as to periodic
69 renewal of such permit and as to operation or movement of such
70 vehicles, or otherwise to limit or prescribe conditions of operation
71 of such vehicle or vehicles, when necessary to assure against
72 undue damage to the road foundations, surfaces, or structures or
73 undue danger to the public safety, and may require such undertaking
74 or other security as may be deemed necessary to compensate for any

75 injury to any roadway or road structure.

76 (4) Every such permit shall be carried in the vehicle to
77 which it refers and shall be open to inspection by any police
78 officer or authorized agent of any authority granting such permit.
79 Each such permit shall state the maximum weight permissible on a
80 single axle or combination of axles and the total gross weight
81 allowed. No person shall violate any of the terms or conditions
82 of such special permit and in case of any violation, the permit
83 shall be deemed automatically revoked and the penalty of the original
84 limitations shall be applied unless the violation consists solely
85 of exceeding the size or weight specified by the permit, in which
86 case only the penalty of the original size of weight limitation
87 exceeded shall be applied, or unless the total gross load is within
88 the maximum authorized by the permit and no axle is more than ten
89 per cent in excess of the maximum load for such axle or group of
90 axles authorized by the permit and such load can be shifted to meet
91 the weight limitations of wheel and axle loads authorized by such
92 permit. Such shift may be made without penalty provided that such
93 shift is made at the state or commercial scale designated in the
94 permit. The vehicle may travel from its point of origin to such
95 designated scale without penalty, and a scale ticket from such
96 scale, showing the vehicle to be properly loaded and within the gross
97 and axle weights authorized by the permit, shall be reasonable
98 evidence of compliance with the terms of the permit.

99 (5) The department or county authority issuing a permit as
100 provided in this section may promulgate rules and regulations with
101 respect to the issuance of permits provided for in this section.

102 (6) The department or county authority issuing a permit may
103 require a permit fee of not to exceed ten dollars; Provided,
104 that the fee for a continuing permit may not exceed twenty-five
105 dollars for a ninety-day period, fifty dollars for a one hundred
106 eighty-day period, or one hundred dollars for a one-year period.
107 No fee shall be charged for a permit authorized by subdivision (1)
108 (d) of this section."

2. Renumber sections 2 to 4 as sections 3 to 5, respectively.

3. On page 6, line 22 after comma add "39-722.01,".

Advanced to E & R for Review by unanimous consent.

VISITORS

Mr. Whitney introduced 35 Third and Fourth Grade students and their teachers from Hawthorne School, Lincoln, Nebraska, and seven Cub Scouts and their Den Mothers from DenNo.5, Lincoln, Nebraska.

ADJOURNMENT

At 3:56 p.m., on a motion by Mr. Duis, the Legislature adjourned until 9:00 a.m., Wednesday, February 27, 1974.

Vincent D. Brown
Clerk of the Legislature

THIRTY-FIFTH DAY—FEBRUARY 27, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 27, 1974

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mr. Whitney presiding.

PRAYER

The prayer was offered by the Chaplain.

Lord God, we ask your forgiveness for our slowness to understand and to obey your will. Like people of another capital city in another place long ago, we have sung your praises like the crowds in Jerusalem, but we have been afraid to let you teach us in the temple of our hearts. We live somewhere between the testimony of Palm Sunday and the desertion of Good Friday. Lead us to a true repentance, to a settled faith, to a mature witness, to a fruitful service through our opportunities. Have mercy upon us, Lord, for we truly want to be your witnesses. Hear us, for your Love's sake. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Proud who was excused and Mr. Fowler who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fourth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Barnett asked unanimous consent to be excused from 9:30 a.m. until 11:00 a.m. this morning. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 790. Replaced on Select File as amended.
E & R amendments to LB 790:

1. In line 2 of the C. Carsten amendment 1, insert "the first" after "with".
2. In committee amendment 4, line 3, strike the first "and".
3. To achieve the purpose of the C. Carsten amendment 2, on page 5, line 6, as amended by committee amendment 3, strike "There" and insert "Either (a) there"; on page 5, line 9, as amended by committee amendment 3, remove paragraphing and strike "(2) The" and insert "or (b) the"; strike the C. Carsten amendment 2; in committee amendment 3, line 2, strike the semicolon and insert an underscored comma; and strike the committee amendment to page 5, line 21.

LEGISLATIVE BILL 616. Placed on Select File as amended.
E & R amendments to LB 616:

1. In committee amendments, page 9, line 26, insert an underscored comma after "liquor".
2. In committee amendments, page 10, line 2, insert an underscored comma after "licensee".
3. On page 2, insert an underscored comma at the end of line 16.
4. On page 3, line 27, insert "such carrier" after "without".
5. On page 4, line 2, strike "and nothing" and insert ". nothing Nothing".
6. In committee amendments, renumber section 6 as section 5, sections 8 to 12 as sections 6 to 10, and section 13 as section 11.
7. In renumbered section 8, line 2, strike "8" and insert "6"; and strike the last sentence and insert "The commission may also order an increase or decrease in the minimum service charge in accordance with any increase or decrease in wholesalers costs of doing business.".
8. In the title, strike lines 2 to 13 and insert:
"FOR AN ACT to amend sections 53-117 and 53-158, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103 and 53-123.04, Revised Statutes Supplement, 1973, relating to alcoholic liquors; to redefine terms; to provide duties; to provide

for retail sales as prescribed; to provide when a carrier shall not be required to give bond; to prohibit retail sales below cost; to provide for a minimum service charge and changes therein; to provide for deliveries and title to alcoholic liquor; to provide severability; and to repeal the original sections."

LEGISLATIVE BILL 763. Placed on Select File as amended.
E & R amendment to LB 763:

1. On page 2, line 20, strike the new matter and reinstate the stricken matter and at the end of the line insert ", and beginning with the number plates issued in 1972, such plates shall be issued every four years,".

Correctly Enrolled

The following bills were correctly enrolled: 228, 228A and 697.

(Signed) John J. Cavanaugh, Chairman

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 1042 Thursday, February 28, 1974 (Continued) 12:30 p.m.

(Signed) Loran Schmit, Chairman

STANDING COMMITTEE REPORTS
Committee on Committees

February 26, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggest a record vote:

Dr. V. Franklin Colon - State Board of Health

No one appeared in favor to Dr. Colon's appointment and no one appeared in opposition to his appointment. Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against, None. Absent and not voting: (5) Senators Chambers, Epke, Snyder, Stahmer, and Stromer.

Paul Dutton - Power Review Board

No one appeared in favor of Mr. Dutton and no one appeared in opposition to Mr. Dutton. Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against: none. Absent and not voting: (5) Senators Chambers, Epke, Snyder, Stahmer and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman
Committee on Committees

February 26, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Paul F. Harm - Environmental Control Council

No one appeared in favor of Mr. Harm's appointment and no one appeared in opposition. Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Epke, Snyder, Stahmer and Stromer.

Robert Cox - Environmental Control Council

No one appeared in Favor of the appointment of Mr. Cox and no one appeared in opposition. Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Epke, Snyder, Stahmer and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman
Committee on Committees

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules to read the Final Reading bills set for tomorrow. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 513.

A BILL FOR AN ACT to amend sections 71-2017 and 71-2018, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to restate purpose; to define terms; to provide for the licensing of additional facilities; to provide for assistance with medications as prescribed; to provide for interpretation; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	Dickinson
Duis	Fellman	Goodrich	Hasebrook	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

DeCamp	Epke	Fowler	F. Lewis	Murphy
Proud				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 604.

A BILL FOR AN ACT to amend section 84-905.01, Reissue Revised Statutes of Nebraska, 1943, section 84-908, Revised Statutes Supplement, 1972, and sections 84-902 and 84-904, Revised Statutes Supplement, 1973, relating to rules of administrative agencies; to require two copies of any rule or amendment to be filed with the Revisor of Regulations; to clarify provisions; to change dates for compliance; to provide that rules and regulations be admitted into evidence; to repeal the original sections, and also section 84-906.01, Revised Statutes Supplement, 1972.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Fellman	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Epke	Fowler	Proud
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 612.

A BILL FOR AN ACT to amend section 81-8,280, Revised Statutes Supplement, 1973, relating to real estate appraisers; to change requirements for licensure; to provide exemptions from the examination requirement; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Chambers Fowler Murphy Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 613.

A BILL FOR AN ACT to amend sections 77-202.12 and 77-202.13, Revised Statutes Supplement, 1973, relating to taxation; to redefine a term; to increase certain homestead exemptions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Anderson	Barnett	Carpenter	C. Carsten	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Fellman	Goodrich	Hasebroock	Keyes	Kime
F. Lewis	Luedtke	Mahoney	Marsh	Marvel
Moylan	Richendifer	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Wiltse		

Voting in the negative, 8:

Kelly	Kennedy	Kremer	R. Lewis	Maresh
Nore	Rasmussen	Whitney		

Not voting, 8:

Burbach	F. Carstens	Epke	Fowler	Johnson
Murphy	Proud	Savage		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 621.

A BILL FOR AN ACT to amend section 80-401.01, Reissue Revised Statutes of Nebraska, 1943, relating to veterans' affairs; to provide the requirements for the Disabled American Veterans organization to become

a recognized disabled veterans' organization; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Moylan	Nore
Rasmussen	Richendifer	Savage	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0:

Not voting, 5:

Fowler	Mahoney	Murphy	Proud	Schmit
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 636.

A BILL FOR AN ACT to amend sections 16-626, 16-671.01, 16-672.11, 17-925, 17-975, 18-2003, and 19-2406, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide the payment provisions for work on prescribed works of internal improvement; to provide for payment of interest on delayed payments; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Burbach	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kremer	F. Lewis	R. Lewis

Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Nore	Rasmussen	Savage	Schmit
Simpson	Snyder	Stahmer	Stromer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 1:

Goodrich

Not voting, 9:

Barnett	Carpenter	Fowler	Kime	Murphy
Proud	Richendifer	Skarda	Waldron	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 641. Mr. Kremer moved to return LB 641 to Select File for the following specific amendment:

Amendment to LB 641

Insert the following after the period in line 2 of page 5:

Except as provided in this section, the district shall pay to each county wherein the name of one or more candidates appears upon the ballot expenses of electing its directors as follows: Counties having a population of less than three thousand inhabitants, fifty dollars; counties having a population of three thousand but less than nine thousand inhabitants, one hundred dollars; counties having a population nine thousand but less than fourteen thousand inhabitants, one hundred twenty-five dollars; counties having a population of fourteen thousand but less than twenty thousand inhabitants, one hundred fifty dollars; counties having a population of twenty thousand but less than sixty thousand inhabitants, one hundred seventy-five dollars; counties having a population of sixty thousand but less than one hundred thousand inhabitants, seven hundred fifty dollars; counties having a population of one hundred thousand but less than two hundred thousand inhabitants, fifteen hundred dollars; and counties having a population of two hundred thousand inhabitants or more, two thousand and fifty dollars, provided that, when the name of one or more candidates of a district appears on ballots in less than one-half of the precincts of the counties, the cost to the district shall be no more than fifty percent of the expenses established by this section, and provided further, that if the actual expenses to the county in district elections provided for in the section are less than the amounts herein established such actual expenses shall be the amount paid for the district to the county. The population of a county for purposes of this section shall be the population as determined by the most recent federal decennial census.

In addition to the costs above provided, the natural resources district shall pay the publication cost of the sample ballots appearing in the newspaper and shall pay the actual printing costs for the official

ballots used on election day. Election expenses shall be due and payable for each natural resources district within thirty days after the receipt of the statement from the county.

The motion prevailed with 41 ayes, 0 nays and 8 not voting.

LEGISLATIVE BILL 645.

A BILL FOR AN ACT to amend section 12-521, Reissue Revised Statutes of Nebraska, 1943, relating to cemetery districts; to provide for the disposition of real estate other than by sale as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	C. Carsten	F. Carstens	Cavanaugh	Chambers
Clark	DeCamp	Duis	Epke	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Barnett	Burbach	Carpenter	Dickinson	Fellman
Fowler	Mahoney	Proud		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 652.

A BILL FOR AN ACT to amend section 18-2001, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, all; to increase the footage any city or village may, without petition or creating a street improvement district, grade, curb, gutter and pave any portion of a street; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Burbach	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	Dickinson	Duis	Epke
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kremer	F. Lewis	Luedtke	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 1:

DeCamp

Not voting, 8:

Barnett	Carpenter	Fellman	Fowler	Kime
R. Lewis	Mahoney	Proud		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 662.

A BILL FOR AN ACT relating to locksmiths; to require registration; to provide a registration fee; to provide for administration; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Burbach	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Epke
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Barnett	Carpenter	Duis	Fellman	Fowler
Mahoney	Marvel	Proud		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 674.

A BILL FOR AN ACT to amend section 70-1017, Reissue Revised Statutes of Nebraska, 1943, relating to public power; to change the requirement for supplying of electrical service at retail; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Carpenter	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Stahmer
Stromer	Stull	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Barnett	Burbach	Fellman	Fowler	Mahoney
Proud	Snyder	Syas		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 675. With emergency.

A BILL FOR AN ACT to repeal section 18-129, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, all; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Burbach	Carpenter	C. Carsten	F. Carstens	DeCamp
Dickinson	Duis	Epke	Fellman	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
F. Lewis	R. Lewis	Mahoney	Maresh	Marvel
Murphy	Rasmussen	Richendifer	Savage	Schmit
Skarda	Snyder	Stahmer	Stromer	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 8:

Chambers	Kremer	Luedtke	Marsh	Nore
Simpson	Stull	Syas		

Not voting, 8:

Anderson	Barnett	Cavanaugh	Clark	Fowler
Kime	Moylan	Proud		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 712.

A BILL FOR AN ACT to amend section 44-513, Revised Statutes Supplement, 1972, relating to insurance; to provide that an insured be entitled to reimbursement for services performed by a psychologist; to provide for eligibility; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Burbach	Carpenter	C. Carsten	F. Carstens	Cavanaugh
Chambers	DeCamp	Duis	Epke	Fellman
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	F. Lewis	Luedtke	Maresh	Marsh
Marvel	Moylan	Rasmussen	Richendifer	Savage

Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 1:

Murphy

Not voting, 11:

Anderson	Barnett	Clark	Dickinson	Fowler
Kime	Kremer	R. Lewis	Mahoney	Nore
Proud				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Kremer asked unanimous consent to be excused from 10:00 a.m. until 10:30 a.m. No objections. So ordered.

LEGISLATIVE BILL 716.

A BILL FOR AN ACT to amend section 50-401.02, Revised Statutes Supplement, 1972, relating to the Legislative Council; to provide the Legislature or the Executive Board of the Legislative Council discretion to hire an Executive Director; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	DeCamp	Dickinson	Duis
Epke	Fellman	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Moylan
Murphy	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Barnett	Clark	Fowler	Kime	Kremer
Mahoney	Nore	Proud		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 732.

A BILL FOR AN ACT to amend section 48-108, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to provide for payment of the attorney's fee; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Carpenter	C. Carsten	F. Carstens	Cavanaugh	Chambers
DeCamp	Fellman	Goodrich	Hasebroock	Johnson
Keyes	F. Lewis	Luedtke	Marsh	Moylan
Richendifer	Savage	Simpson	Skarda	Snyder
Stahmer	Stromer	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 9:

Burbach	Duis	Epke	Kelly	Kennedy
Maresh	Murphy	Nore	Stull	

Not voting, 13:

Anderson	Barnett	Clark	Dickinson	Fowler
Kime	Kremer	R. Lewis	Mahoney	Marvel
Proud	Rasmussen	Schmit		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 756. With Emergency.

A BILL FOR AN ACT relating to appropriations; to eliminate funds to be used by the Agricultural Products Industrial Utilization Committee, Agency No. 60, from the appropriation made to the Legislative Council; to

appropriate one hundred seventeen thousand four hundred twenty-three dollars from the Agricultural Alcohol Fuel Tax Fund for the period ending June 30, 1974 to the Agricultural Products Industrial Utilization Committee, Agency No. 60, for Program 516; to amend section 2, Legislative Bill 259, Eighty-third Legislature, First Session, 1973; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Kime	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Barnett	DeCamp	Keyes	Kremer	Mahoney
Proud	Stromer			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 765.

A BILL FOR AN ACT to amend section 37-501, Revised Statutes Supplement, 1972, relating to game and fish; to clarify a prohibition respecting shotguns; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Anderson	Carpenter	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	Duis	Epke	Fellman

Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kime	F. Lewis	R. Lewis	Luedtke	Mareh
Marsh	Marvel	Moylan	Murphy	Rasmussen
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stull	Syas	Whitney	Wiltse

Voting in the negative, 7:

Burbach	Dickinson	Kennedy	Nore	Richendifer
Waldron	Warner			

Not voting, 7:

Barnett	DeCamp	Keyes	Kremer	Mahoney
Proud	Stromer			

A constitutional majority having voted in the affirmative the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 766.

A BILL FOR AN ACT to amend section 37-905, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to change the privileges of controlled breeding and shooting areas conferred by license; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Carpenter	C. Carsten	Cavanaugh	Chambers
Clark	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Kime	F. Lewis	R. Lewis	Luedtke
Mareh	Marsh	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Barnett	Burbach	F. Carstens	DeCamp	Keyes
Kremer	Mahoney	Marvel	Proud	Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. SNYDER PRESIDING

LEGISLATIVE BILL 767. With Emergency.

A BILL FOR AN ACT to amend sections 37-215 and 37-215.03, Revised Statutes Supplement, 1972, relating to game and fish; to provide for limiting permits to kill deer or antelope; to provide for determining eligibility of applicants for permits; to raise the fee for permits; to change provisions for special permits; to repeal the original sections, and also section 37-215.04, Revised Statutes Supplement, 1972; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 34:

Anderson	Burbach	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Murphy	Nore
Rasmussen	Richendifer	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Whitney	

Voting in the negative, 1:

Simpson

Not voting, 14:

Barnett	Carpenter	Kennedy	Keyes	Kime
Kremer	F. Lewis	Marvel	Proud	Savage
Schmit	Skarda	Warner	Wiltse	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 804. With Emergency.

A BILL FOR AN ACT to amend section 57-906, Reissue Revised Statutes of Nebraska, 1943, and section 57-919, Revised Statutes Supplement,

1973, relating to oil and gas conservation; to increase the fee paid to the commission; to increase the charge levied and assessed on the value of oil and gas; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson	Burbach	C. Carsten	F. Carstens	Chambers
Clark	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Barnett	Carpenter	Cavanaugh	Kremer	Proud
Waldron				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 827.

A BILL FOR AN ACT relating to bicycles; to require reflective material on bicycle pedals; to require tires with retroreflective material on each side; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Anderson	Carpenter	C. Carsten	F. Carstens	Clark
DeCamp	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Keyes	Kime	F. Lewis
Mahoney	Maresh	Marsh	Marvel	Moylan

Nore	Savage	Schmit	Stahmer	Stromer
Stull	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 11:

Cavanaugh	Chambers	Dickinson	Duis	Luedtke
Rasmussen	Richendifer	Simpson	Skarda	Snyder
Syas				

Not voting, 8:

Barnett	Burbach	Epke	Kennedy	Kremer
R. Lewis	Murphy	Proud		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 912.

A BILL FOR AN ACT relating to banks and banking; to provide for fiduciary accounts in prescribed institutions.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kennedy	Keyes	Kime	F. Lewis
Luedtke	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Rasmussen	Richendifer	Schmit
Simpson	Skarda	Snyder	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Barnett	Dickinson	Kelly	Kremer	R. Lewis
Mahoney	Proud	Savage	Stahmer	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 944.

A BILL FOR AN ACT to amend section 44-1603, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to remove the limit on the amount of debtor group life insurance; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Burbach	Carpenter	C. Carsten	Cavanaugh
Clark	DeCamp	Duis	Epke	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Barnett	F. Carstens	Chambers	Dickinson	Fellman
Kremer	R. Lewis	Proud		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT—Member Excused

Mr. Moylan asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

UNANIMOUS CONSENT—Change of Order

Mr. F. Lewis asked unanimous consent to revert to General File and Consider LB 597. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 597. Title read. Considered.

Standing Committee amendments found in the Journal on page 636 for the Twenty-ninth Day were adopted.

Mr. Marvel moved to indefinitely postpone.

MR. LUEDTKE PRESIDING

Mr. Stromer moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 24 nays and 13 not voting.

The Marvel motion to indefinitely postpone prevailed with 25 ayes, 18 nays and 6 not voting.

ANNOUNCEMENT

Mr. Marvel announced an executive session of the Appropriations Committee at noon today.

RECESS

At 11:59 a.m., on a motion by Mr. F. Carstens, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:10 p.m., Mr. Whitney presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel, Proud and Snyder who were excused; members of the Revenue Committee who were excused until they arrived and Messrs. Barnett and DeCamp who were absent until 2:45 p.m.; Mr. Fowler who was absent until 3:30 p.m. and Mr. Chambers who was absent.

UNANIMOUS CONSENT—Print Amendments to LB 616 in Journal

Mr. Carpenter asked unanimous consent to print all proposed amendments to LB 616 in the Journal. No objections. So ordered.

Amendment to Legislative Bill 616 by DeCamp

To amend the Standing Committee Amendment, LB 616, Legislative Journal page 426, section 53-117 as follows:

1. Before the semi-colon in "(6)" insert "and where sold on an unlicensed premise or on any premise in violation of law, to bring an action to enjoin the use of the property for such purpose".

Amendment to Legislative Bill 616 by F. Lewis

Sec. 9. after line 1 except partial cases

Amendment to Legislative Bill 616 by Waldron

Strike renumbered Section 3.

Amendment to Legislative Bill 616 by Carpenter

Section 1, pg. 425, 17th Day Journal, January 29, 1974, delete Sec(29) and insert new Sec(29) as follows:

(29) Cost shall mean the price and delivery charge of any item of alcoholic liquor to the retailer plus fifteen percent of such price, which is declared as a matter of legislative determination to represent the average minimum overhead necessarily incurred in connection with the sale by the retailer of such item of alcoholic liquor.

Section 1, pg. 426, 17th Day Journal, January 29, 1974, add new Sec(31) immediately before Section 2 of Committee Amendments to read as follows:

(31) Delivery charge shall mean any service, freight, or transportation charge per case or per container based on the case charge incurred in transporting alcoholic liquor from the wholesaler, distributor or manufacturer to the retail licensee.

Amendment to Legislative Bill 616 by Carpenter

Add Savings Clause

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 647. Placed on Select File as amended. E & R amendments to LB 647:

1. In section 1, line 1, strike "by rule, provide" and insert "provide by rule"; and in line 3, strike the comma.

2. At the end of the next to the last line of section 2, insert "district" as in the statutes.

3. In section 3, line 5, insert an underscored period after "action"; and in line 7 strike the period and show the same as stricken.

4. In section 5, line 1, strike "sections" and insert "section"; and in line 2 insert "section" after the first "and".

5. In the title, strike lines 2 to 6 and insert: "FOR AN ACT to amend section 24-342.01, Revised Statutes Supplement, 1972, and section 24-342, Revised Statutes Supplement, 1973, relating to courts; to provide for evidence and records; to provide

for compensation and expenses; to provide an operative date; to repeal the original sections; and to declare an emergency.”.

LEGISLATIVE BILL 734. Placed on Select File as amended.
E & R amendments to LB 734:

1. On page 2, lines 21 and 26, strike the comma and show the same as stricken.
2. On page 4, lines 1 and 22, strike the comma and show the same as stricken.
3. On page 5, line 8, strike the comma and show the same as stricken.

LEGISLATIVE BILL 735. Placed on Select File as amended.
E & R amendments to LB 735:

1. In the title, line 3, insert “, and section 29-812, Revised Statutes Supplement, 1973” after “1972”; in line 3, strike “county”; in line 6 insert “to provide for issuance of search warrants by associate county judges;” after the semicolon; and in line 7 strike “section” and insert “sections”.

LEGISLATIVE BILL 736. Placed on Select File as amended.
E & R amendments to LB 736:

1. In lieu of the first Cavanaugh amendment, on page 2, line 6, strike “ten” and insert “~~ten~~ twenty”.
2. In lieu of the second Cavanaugh amendment, on page 3, line 5, strike “six” and insert “~~six~~ twenty”.

LEGISLATIVE BILL 737. Placed on Select File.

LEGISLATIVE BILL 738. Placed on Select File.

LEGISLATIVE BILL 828. Placed on Select File as amended.
E & R amendments to LB 828:

1. On page 2, line 15, strike the comma; and in line 18 strike “the above method of” and insert “such a”.
2. On page 3, line 2, insert an underscored comma after “Require”; in line 10 insert “to be” after “cent”; and in line 14 strike the first comma and show the same as stricken.
3. On page 5, line 22, insert “that” after “indicates”.
4. On page 6, line 10, insert “or of the same court” after “district”; in lines 15 and 16 strike “; Provided, that” and insert “, but”; in line 17 strike

"result" and insert "results"; in line 21 insert an underscored comma after "offender"; and in line 23 strike the comma.

5. In new section 7, line 2, insert an underscored comma after "considered"; in line 3, strike "improved" and insert "imposed"; and in line 4 strike "such individual's" and insert "his".

LEGISLATIVE BILL 829. Placed on Select File as amended.
E & R amendments to LB 829:

1. On page 2, line 8, strike the comma.

2. On page 4, line 19, strike "where" and insert "when".

3. On page 5, insert an underscored comma at the end of line 25.

4. On page 6, line 11, strike "and" and insert "or".

5. In new section 11, line 15, insert an underscored period after "felony" and strike the period and show the same as stricken.

6. In new section 12, line 5, strike "(a)" and insert "(a)(1)"; in line 6 strike "(b)" and insert "(b)(2)"; and in line 7 strike "(c)" and insert "(c)(3)".

7. In committee amendment 3, strike the last comma in line 3.

8. In the title, line 5, strike "and 39-6,107" and insert "39-6,107, 39-6,108, and 39-6,112".

LEGISLATIVE BILL 833. Placed on Select File as amended.
E & R amendments to LB 833:

1. On page 2, line 21, strike "any vacancy occurring".

LEGISLATIVE BILL 822. Placed on Select File as amended.
E & R amendments to LB 822:

1. On page 2, line 10, strike "for" and insert "for or".

2. In the title, line 5, strike "a" and insert "an overall" and insert "and successful" at the end of the line.

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE BILL 721. Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 293. E & R amendments found in the Journal on page 745 for the Thirty-third Day were adopted.

Advanced to E & R for Engrossment.

Mr. Simpson asked unanimous consent to bracket LB 293 on E & R for Engrossment. No objections. So ordered.

LEGISLATIVE BILL 813. Mr. Goodrich offered the following amendment which was adopted with 25 ayes, 1 nay and 23 not voting.

1. Strike all amendments.
2. On Page 3 line 14 strike "Eastern Nebraska" and insert "~~Eastern Nebraska~~ Metropolitan".
3. On Page 4 strike lines 17 to 27 and on Page 5 strike lines 1 to 13 and show the old matter as stricken.
4. Add two new sections to be known as sections 3 and 4 and to read as follows:

"Sec. 3. Within thirty days after the effective date of this act, the Governor shall appoint a new area board for the Metropolitan Technical Community College Area, which appointment shall be made so as to guarantee equal representation for all of the people in such area, but members now serving on present area boards may be appointed to the new area board if such area will be provided with adequate representation. In making such appointments, it is the intent of the Legislature that the Governor shall appoint at least one member from each county. The present members of the former area boards of the Eastern Nebraska Technical Community College Area, and of the Omaha Nebraska Technical Community College Area shall serve until their successors are appointed by the Governor. The members of the new Metropolitan Technical Community College Area board appointed by the Governor shall serve until their successors are elected and qualified at the first state general election after the establishment of their area. Successor board members shall be elected as provided in section 79-2620. Each area board member of such area shall be a resident and qualified elector of such area. The area board of the Metropolitan Technical Community College Area shall provide services and facilities in its area so that its programs are reasonably accessible and available to all parts and residents of the area.

Sec. 4. Upon the effective date of this act, the assets, programs, liabilities and personnel of Omaha Nebraska Technical Community College Area and the Eastern Nebraska Technical Community College Area shall be transferred to and assumed by the Metropolitan Technical Community College Area".

5. Renumber original section 3 as section 5.
6. Add a new section to be known as section 6 and to read as follows:

"Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 641. The Kremer specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Call of House

Mr. Schmit moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

The Call showed 42 members present.

Mr. Stull moved the Call be raised. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

UNANIMOUS CONSENT—Members Excused

Mr. Clark asked unanimous consent to excuse the Appropriations Committee at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1011. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 1013. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 1014. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 629. Title read. Considered.

Standing Committee amendments found in the Journal on page 678 for the Thirty-first Day were adopted.

Mr. Keyes offered the following amendment which was adopted.
Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 631. Title read. Considered.

Laid over.

LEGISLATIVE BILL 1025. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 1026. Title read. Considered.

Laid over.

LEGISLATIVE BILL 949. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 620. Title read. Considered.

Mr. Stull offered the following amendment to the Standing Committee amendment:

Apply only to Lancaster and Douglas Counties.

Amendment pending. Laid over.

UNANIMOUS CONSENT—Bracket Bills

Mr. F. Carstens asked unanimous consent to bracket LB 354 and LB 755 on General File until Thursday, March 7, 1974. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 865. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 960. Title read. Considered.

Laid over.

UNANIMOUS CONSENT—Print Amendments to LB 757 in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 757 in the Journal. No objections. So ordered.

Amendments to L. B. 757

1. On page 9, after line 13 insert a new section as follows:

"Sec. 4. That section 31-735, Revised Statutes Supplement, 1972, be

2 amended to read as follows:

3 31-735. At such time as the board of trustees shall designate, which
4 time shall be not more than twelve months after the judgment of the district
5 court creating said district, and each two years thereafter, the board of trustees
6 shall cause an election to be held, at which election a board of trustees
7 of five in number shall be elected. Such trustees shall be owners of real
8 estate located in the district. The election shall be conducted at a location
9 or place within the boundaries of the district unless there is no building
10 within the district or all of the owners in the district shall consent to an
11 election outside the district, and the polling place shall remain open to
12 the voters for not less than four consecutive hours between eight a.m. and eight
13 p.m. of the date of election. Notice of such election shall be given by the
14 clerk of said board by written notice addressed to each owner of real estate
15 located in the district and mailed to his last-known post-office address, at
16 least fifteen days prior to said election. Said notice shall state the time,
17 place, and purpose of said meeting. Any person may cast one vote for each
18 trustee, for each acre of unplatted land or fraction thereof and one vote
19 for each platted lot which he may own in the district. At the election held
20 four years after the first board was elected and at each election held there-
21 after the board of trustees shall be elected by the legal voters resident
22 within such sanitary and improvement district. Each legal voter may cast one
23 vote for each trustee. Any corporation, public, private, or municipal, owning
24 any land or lot in the district, may vote at such election the same as an in-
25 dividual. The executor, administrator, guardian, or trustee of any person or
26 estate interested shall have the right to vote. Should two or more persons or
27 officials claim the right to vote on the same tract, the board of trustees
28 shall determine the party entitled to vote. Such board shall select one of
29 their number chairman and one of their number clerk. In case of a vacancy on
30 said board the remaining trustees shall fill the vacancy on said board until
31 the next election."

2. On page 23, line 23 after "original" insert "section 31-735, Revised Statutes Supplement, 1972, and".

3. Renumber original sections 4 to 8 as sections 5 to 9 respectively.

STANDING COMMITTEE REPORTS**Public Health and Welfare**

LEGISLATIVE BILL 698. Indefinitely postponed.

LEGISLATIVE BILL 727. Placed on General File as amended.
Standing Committee amendments to LB 727:

1. On page 3, line 12, insert "which contract with the health maintenance organization to provide health care services to any enrollee." after "services". In line 20, insert the following after the period: "A certificate of authority to establish or operate a health maintenance organization shall not be granted by the director unless the physician care services provided by the health maintenance organization include access by all enrollees to qualified practitioners

in each of the healing arts specialties licensed by the Department of Health including medical doctors, osteopaths, chiropractors, optometrists and podiatrists."; strike lines 25 through 27.

2. On page 4, strike lines 1 through 7; in line 8 strike "{3}" and insert "{2}"; strike beginning with the comma in line 13 through the comma in line 14.

3. On page 5 line 4 strike "{3}" and insert "{2}"; in line 13, insert "duly certified by an independent certified public accountant," after "statements".

4. On page 6, strike lines 9 and 10; redesignate subsequent subdivisions accordingly; in line 25 strike "{4}" and insert "{3}".

5. On page 7 line 1 strike "{3}" and insert "{2}"; in line 3 insert "and the Director of Health" after the first "director"; insert "or the Director of Health" after the second "director"; in line 4 strike "thirty" and insert "sixty"; in line 8 strike "{4}" and insert "{3}"; in line 22 insert "and" after the semicolon; strike lines 23 through 26.

6. On page 8 line 1 strike "{iii}" and insert "{ii}"; in line 21 strike "thirty" and insert "sixty"; in line 24 strike "22" and insert "21".

7. On page 9 line 26 insert "department or agency of federal or state" after "a".

8. On page 10 strike lines 10 through 12, and insert:
 "(e) The health maintenance organization shall provide for adequate public representation on its governing body pursuant to section 5 of this act;" in line 21 strike "21" and insert "20".

9. On page 11 line 3 insert "as licensed according to the provisions of Chapter 71, article 20, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto," after the first comma; in line 13 insert "licensed" after "through".

10. On page 12 line 4 insert "for health care services" after "benefits"; in line 17 strike "thirty" and insert "sixty"; strike line 22 and insert "not materially affecting the condition of the health maintenance organization."; in line 25 strike "or both" and insert "and shall provide for adequate representation of the public" after the comma.

11. On page 13 line 4 insert the following after the period: "The participation of enrollees shall be in an advisory capacity and shall not be binding upon the governing body."; in line 9 strike "enrollees" and insert "corporation".

12. On page 14 line 14 insert "and" after the semicolon; strike lines 21 through 25.

13. On page 15 line 10 strike "changes" and insert "charges".

14. On page 16 line 6 strike "If"; in line 7 strike "the" and insert "The"; strike "not" and insert "or disapprove" after "approve"; in line 8 strike "thirty" and insert "sixty".

15. On page 17 line 8 strike "{3}" and insert "{2}"; in line 15 strike "{iii}" and insert "{ii}".

16. On page 19 strike section 11.

17. On page 20 strike lines 1 through 3.

18. On page 23 line 18 insert "and amendments thereto" after the second comma; in line 27 strike "Among other things, under" and insert "Under".

19. On page 24 strike beginning with "and" in line 7 through "plan" in line 9; in line 12 insert "Such examination shall not include an evaluation of services." after the period; in line 21, strike beginning with "and" through "provider" in line 22; in line 23 strike beginning with "and" through "them" in line 24.

20. On page 26 line 16, insert the following after "operations":
"and fails to provide for adequate public representation on its governing body".

21. On page 30 line 26 strike "18" and insert "17".

22. On page 33 line 2 insert the following after "law": "and hospital or medical service corporation law not relevant to the operation of a health maintenance organization as determined by the director"; strike beginning with "This" in line 5 through the period in line 11; in line 25, insert "or provider" after "person".

23. On page 34 line 23 strike "17" and insert "16"; in line 24 strike "18" and insert "17".

24. Renumber original sections 12 to 29 as sections 11 to 28.

LEGISLATIVE BILL 1010. Placed on General File.

(Signed) Thomas Kennedy, Chairman

MOTION—Place LB 174 on General File

Mr. Stromer moved to take LB 174 from the Government, Military and Veterans Affairs Committee and place it on General File.

Mr. Stromer moved for a Call of the House. The motion prevailed with 15 ayes, 5 nays and 29 not voting.

The Call showed 37 members present.

Mr. Keyes moved the Call be raised. The motion prevailed with 24 ayes, 3 nays and 22 not voting.

The Stromer motion lost with 24 ayes, 9 nays and 16 not voting.

LB 174 stands indefinitely postponed.

MR. LUEDTKE PRESIDING

GENERAL FILE

LEGISLATIVE BILL 976. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 857. Title read. Considered.

Laid over.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 648. Indefinitely Postponed.

LEGISLATIVE BILL 800. Indefinitely Postponed.

(Signed) George Syas, Chairman

Public Health and Welfare

LEGISLATIVE BILL 1018. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

GENERAL FILE

LEGISLATIVE BILL 302. Title read. Considered.

Standing Committee amendments printed and referred to on page 718 of the Journal for the Thirty-second Day were discussed.

Laid over until Tuesday, March 12 at the request of Mr. Whitney.

UNANIMOUS CONSENT—Print Amendments to LB 870 in Journal

Mr. Rasmussen asked unanimous consent to print the following amendments to LB 870 in the Journal. No objections. So ordered.

(I)

(1) On page 10, following line 26, add new language as follows:

In addition to the fees paid for licenses and the renewals thereof, each licensed insurance company doing business in this state shall, commencing with the effective date of this act, deduct a sum equal to four mills from premium receipts on all contracts for fire, casualty, workmens compensation and life protection which are or have been sold in this state and remit monthly to the office of State Fire Marshal said sum to be deposited by the State Fire Marshal with the State Treasurer for credit to the Electrical Division Fund. The money credited to the fund shall be appropriated by the legislature for the use of the State Fire Marshal for enforcement of this act.

(II)

(1) On page 12, at line 26, following the term "homeowner" insert new language as follows:

farmer or rancher
 and on page 13, at line 1 following the term "resides" insert new language as follows:
or on property of another in a non-commercial exchange of personal services

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 870 in the Journal. No objections. So ordered.

(I)

(1) On page 4, at line 15, following the term "State," insert new sentence as follows:

Each member of the board shall be reimbursed his actual and necessary expenses necessitated by the performance of his duties and in addition thereto shall be paid a per diem of fifty dollars for each day spent in the performance of his duties.

(II)

(1) On page 11, at line 18, strike line 18 and lines 19, 20, 21, 22, 23, 24, 25, 26, 27 and on page 12, line 1.

On page 12, at lines 2, 9, 17, 20 and 25, renumber sections accordingly.

ADJOURNMENT

At 4:08 p.m., on a motion by Mr. Syas, the Legislature adjourned until 9:00 a.m., Thursday, February 28, 1974.

Vincent D. Brown
Clerk of the Legislature

THIRTY-SIXTH DAY—FEBRUARY 28, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 28, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

Our Father in heaven, give us the long view of our work and our world. Help us to see that it is better to fail in a cause that will ultimately succeed than to succeed in a cause that will ultimately fail. Guide us how to work and then teach us how to wait. O Lord, we pray in the name of Jesus, who was never in a hurry. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Snyder and Stromer who were excused and Mr. Fowler who was absent until 9:30 a.m. and Mr. Cavanaugh who was absent until 10:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-fifth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: LB 1036.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 975. Placed on Select File as amended.
E & R amendments to LB 975:

1. On page 2, strike lines 20 and 21 and
insert:

“Sec. 2. There is hereby created the
Nebraska Resources”; and in line 23 insert “which the
State Treasurer shall” after the first “to”.

2. On page 3, line 3 strike "In addition, funds" and insert "Funds" and strike "the"; strike line 4 and insert "any department or agency of the United States may also"; and in line 22 strike ", loans," and insert "or loans".

3. On page 4, line 3, strike "such" and insert "which"; in line 9 strike the comma; in line 12 strike "where" and insert "when"; and in line 13 strike "input" and insert "contribution".

4. On page 5, line 6, strike "where" and insert "when"; and in line 19 strike the comma.

5. On page 6, line 1 insert a comma after "Fund"; and in line 8 insert "Nebraska" after the second "the".

6. On page 7, line 15, strike "show" and insert "state"; and in line 25, strike "direct" and insert "refer".

7. On page 8, insert a comma after "project".

8. On page 9, line 4, insert a comma after "request".

9. In committee amendment 4, line 1, strike " 'existent' " and insert " 'existing' ".

LEGISLATIVE BILL 975A. Placed on Select File.

LEGISLATIVE BILL 739. Placed on Select File as amended. E & R amendment to LB 739:

1. In the title, line 2, strike "section" and insert "sections 26-112 and"; in line 4, strike "civil", and strike "court" and insert "and municipal courts" after "county"; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 742. Placed on Select File.

LEGISLATIVE BILL 744. Placed on Select File.

LEGISLATIVE BILL 748. Placed on Select File.

LEGISLATIVE BILL 614. Placed on Select File as amended. E & R amendment to LB 614:

1. On page 5, line 22, strike "shall violate" and insert "violates".

LEGISLATIVE BILL 855. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 327 and 811.

Correctly Enrolled

The following bills were correctly enrolled: 1034, 513, 604, 612, 613, 621, 636, 645, 652, 662, 674, 675, 712, 716, 732, 756, 765, 766, 767, 804, 827, 912 and 944.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1034, 17A, 77, 77A, 600, 730, 640, 684, 228, 228A, 697, 513, 604, 612, 613, 621, 636, 645, 652, 662, 674, 675, 712, 716, 732, 756, 765, 766, 767, 804, 827, 912 and 944.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 99. Indefinitely postponed.

Committee Statement on LR 99

The attempt to call a federal Constitutional Convention is a somewhat dangerous practice in that we have only had one in our history and that was the first one. Constitutional authorities have stated that under our Constitution that if another one is called it cannot be prevented from taking up the whole Constitution of the United States. It has been deemed more practical to have Congress place a constitutional amendment on a specific question before the state legislatures for them to decide.

This amendment, of course, would be popular in thought but its ramifications would be far-reaching. In the first place, one of the members of the Committee wrote to Senator Curtis asking what the definition of "Emergency" is. He received no answer. It must be remembered that the matter of interpretation of "Emergency" means one thing to one and something else to another. It should be defined in the Resolution. I think that the general public believe, and rightly so, that the federal government should be on a sound financial basis. It must be recalled, however, that the federal government is not helped in any matter on accomplishing this goal due to the fact that the states, the cities, the counties and other subdivisions of government are constantly writing to the federal government for funds. This legislature on many occasions, has made long-winded speeches and requests for federal funds for various projects in the state. If the federal government is to discontinue deficit spending it must receive the wholehearted support of the fifty states in that the fifty states do not request monies from the federal government for projects. The State of Nebraska could start this ball rolling this session. With the above in mind, the Committee killed the bill due to the fact that we didn't think the local governments, including the State of Nebraska, were ready

to face what they had to do to help the federal government accomplish the goal as set forth in this Resolution.

Appearing for LR 99 was Senator Gerald Stromer.

There was no opposition for LR 99.

On a motion to Indefinitely Postpone there were 4 ayes, 2 nays and 1 absent. Voting aye were Senators Syas, Anderson, Carstens and Keyes. Voting nay were Senators Kelly and Snyder. Senator Burbach was absent.

February 27, 1974

(Signed) George Syas, Chairman

LEGISLATIVE BILL 706. Indefinitely postponed.

(Signed) George Syas, Chairman

Agriculture and Environment

LEGISLATIVE BILL 1029. Placed on General File as amended.
Standing Committee amendments to LB 1029:

1. On page 14, line 26 after "to" strike the remainder of the line; in line 27 strike "life" and insert "protect the public health and welfare".
2. On page 15, line 8 after "recreational" insert "and aquatic life".

(Signed) Loran Schmit, Chairman

MOTION—Suspend Rules

Mr. Goodrich moved to suspend the rules and read the final reading bills set for tomorrow. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 646. Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 771. With Emergency.

A BILL FOR AN ACT to amend section 77-2315, Reissue Revised Statutes of Nebraska, 1943, relating to the deposit and investment of public funds; to provide discretion in how investments are made; to provide for crediting of interest on commingled funds; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Clark	DeCamp	Duis	Epke
Fellman	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Stahmer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	Chambers	Dickinson	Fowler	Snyder
Stromer				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 873. With Emergency.

A BILL FOR AN ACT to amend sections 39-662 and 39-666, Revised Statutes Supplement, 1973, and section 39-7,128, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 590, Eighty-third Legislature, Second Session, 1974, relating to rules of the road; to decrease certain maximum speed limits in compliance with the Emergency Highway Energy Conservation Act; to provide for termination of such decreases; to provide for an increase as prescribed; to change the number of points assessed for speeding offenses; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Clark	Duis	Epke	Fellman	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan

Murphy	Nore	Proud	Rasmussen	Savage
Schmit	Simpson	Skarda	Stahmer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 5:

Barnett	Chambers	DeCamp	Richendifer	Waldron
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Not voting, 5:

Cavanaugh	Dickinson	Fowler	Snyder	Stromer
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Stull asked unanimous consent to expedite final reading bills this morning. No objections. So ordered.

LEGISLATIVE BILL 888.

A BILL FOR AN ACT to amend sections 81-2,164.01 and 81-2,164.03, Reissue Revised Statutes of Nebraska, 1943, relating to agriculture; to expand a program for the assembly and dissemination of agricultural products information; to provide for funds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	Fowler	F. Lewis	Snyder	Stahmer
Stromer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 888A.

A BILL FOR AN ACT to appropriate forty thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Agriculture, Agency No. 18 for Program 383, Research Egg Market News, to aid in carrying out the provisions of Legislative Bill 888, Eighty-third Legislature, Second Session, 1974.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Goodrich	Hasebrook
Johnson	Kennedy	Keyes	Kime	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Proud
Rasmussen	Savage	Schmit	Simpson	Skarda
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 2:

Kelly	Richendifer
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Not voting, 6:

Cavanaugh	Fowler	F. Lewis	Snyder	Stahmer
Stromer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 925.

A BILL FOR AN ACT to amend section 72-1250, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Investment Council; to provide for a nominee for the holding of securities as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	Duis	Epke
Fellman	Goodrich	Hasebrook	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Cavanaugh	DeCamp	Dickinson	Fowler	F. Lewis
Mahoney	Snyder	Stahmer	Stromer	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 925A.

A BILL FOR AN ACT to appropriate nine thousand seven hundred ninety-five dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Nebraska Investment Council, Agency No. 75 for Program 610, to aid in carrying out the provisions of Legislative Bill 925, Eighty-third Legislature, Second Session, 1974.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Goodrich	Hasebrook	Johnson
Kennedy	Keyes	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Murphy	Nore	Proud	Richendifer	Savage
Schmit	Simpson	Skarda	Stahmer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 1:

Kelly

Not voting, 8:

Cavanaugh	DeCamp	Fowler	Mahoney	Moylan
Rasmussen	Snyder	Stromer		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 954.

A BILL FOR AN ACT to amend section 77-2314, Reissue Revised Statutes of Nebraska, 1943, relating to county funds; to provide standards for bank deposits of county funds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Stahmer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Cavanaugh	DeCamp	Fowler	Mahoney	Marvel
Snyder	Stromer			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 771 and 873.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 771 and 873.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 28, 1974, at 9:15 a.m. was the following: LB 1036.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Return LB 646 to Select File

Mr. Carpenter moved to return LB 646 to Select File for the following specific amendment:

Amendments to LB 646

1. In section 2, strike beginning with "clerks" in line 2 and all of line 3 and amendments thereto and insert "all county officers who"; and in the last line strike "8" and insert "15".

The motion prevailed with 26 ayes, 2 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 721. Mr. Carpenter offered the following amendment to his pending amendments found in the Journal on page 763 for the Thirty-third Day and on page 814 for the Thirty-fourth Day. Amend section 2 strike all new and stricken matter and then in line 20 strike 2 and insert 1, line 23 strike 2 and insert 1.

The Carpenter amendments, as amended above, were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 790. E & R amendments found in the Journal on page 830 for the Thirty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 616. E & R amendments found in the Journal on page 830 for the Thirty-fifth Day were adopted.

The DeCamp amendment found in the Journal on page 850 for the Thirty-fifth Day was adopted with 25 ayes, 0 nays and 24 not voting.

The F. Lewis amendment found in the Journal on page 851 for the Thirty-fifth Day was adopted with 25 ayes, 0 nays and 24 not voting.

The Waldron amendment found in the Journal on page 851 for the Thirty-fifth Day was adopted with 26 ayes, 0 nays and 23 not voting.

The Carpenter amendments found in the Journal on page 851 for the Thirty-fifth Day were adopted with 25 ayes, 1 nay and 23 not voting.

Mr. Goodrich asked unanimous consent to hold the bill and instruct the Clerk to correlate all amendments into one draft and distribute to members. No objections. So ordered.

LEGISLATIVE BILL 763. E & R amendment found in the Journal on page 831 for the Thirty-fifth Day was adopted.

Bracketed at the request of Mr. Richendifer.

LEGISLATIVE BILL 647. E & R amendments found in the Journal on page 851 for the Thirty-fifth Day were adopted.

Laid over.

LEGISLATIVE BILL 734. E & R amendments found in the Journal on page 852 for the Thirty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 735. E & R amendment found in the Journal on page 852 for the Thirty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 736. E & R amendments found in the Journal on page 852 for the Thirty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 737. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 738. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 828. E & R amendments found in the Journal on page 852 for the Thirty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 829. E & R amendments found in the Journal on page 852 for the Thirty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 833. E & R amendment found in the Journal on page 853 for the Thirty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 822. E & R amendments found in the Journal on page 853 for the Thirty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 646. The Carpenter specific amendment found in this day's Journal was adopted with 27 ayes, 1 nay and 21 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 646 to Select File

Mr. Stull moved to return LB 646 to Select File for the following specific amendment:

To make Carpenter amendment applicable to Douglas County.

The motion prevailed with 27 ayes, 3 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 646. The Stull specific amendment found in this day's Journal was adopted with 25 ayes, 6 nays and 18 not voting.

Mr. Dickinson moved to bracket the bill until Tuesday, March 5, 1974. The motion lost with 4 ayes, 21 nays and 24 not voting.

Advanced to E & R for Re-engrossment with 30 ayes, 1 nay and 18 not voting.

Mr. Stull asked unanimous consent to expedite LB 646. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 888, 888A, 925, 925A and 954.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 888, 888A, 925, 925A and 954.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 728. Indefinitely postponed.

LEGISLATIVE BILL 931. Indefinitely postponed.

LEGISLATIVE BILL 942. Placed on General File.

LEGISLATIVE BILL 969. Placed on General File.

(Signed) J. W. Burbach, Chairman

UNANIMOUS CONSENT—Unbracket LB 772

Mr. Warner asked unanimous consent to unbracket LB 772 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 772. Mr. F. Lewis asked unanimous consent to withdraw his pending amendments found in the Journal on page 614 for the Twenty-seventh Day. No objections. So ordered.

Mr. Warner offered the following amendment and renewed his pending amendments found in the Journal on pages 799 and 800 for the Thirty-third Day.

Amendment to LB 772

(1) Page 2, lines 6 and 7, strike "and to place limitations on the total expenditures".

(2) Page 4, strike lines 14 and 15 and insert "increased by fifteen percent."

(3) Page 7, line 27, in the new subsection (b) strike "1975-76" and insert "1976-77".

(4) Page 8, line 13, strike the new (5) and insert "(5) educational service unit payments,".

(5) Amend the standing committee amendment No. 3, part two, by striking "commencing with the 1975-76 school year" and insert "commencing with the 1976-77 school year".

(6) Page 14, line 18, after "cent." insert:
"For the 1976-77 school year, the amount to be certified shall be the amount certified for the 1975-76 school year increased by one hundred and twenty percent."

Page 14, strike lines 26 and 27, and page 15, strike lines 1 to 4 and insert:
"Assessment the amount necessary to be raised by state taxation for purposes of this act for distribution during the 1976-77 and 1977-78 school years.

For the 1976-77 school year, the amount to be certified shall be fifty percent of the total state adjusted current operational expenditures of the public schools for the 1973-74 school year, increased by twenty-two percent. For the 1977-78 school year, such amount shall be the amount certified for the 1976-77 school year increased by ten percent."

(7) Page 15, line 16, strike "May 1, 1974, and" and on page 15, line 17, strike "thereafter,".

(8) Page 16, line 3, strike "for 1975-76."

(9) Page 16, line 12, strike "by the legislature" and insert
"for this purpose".

Mr. Whitney requested a division of the question and to vote on the Warner amendment No. 4 found in the Journal on page 799 for the Thirty-third Day separate from the others.

The Warner amendments excluding No. 4 found in the Journal on page 799 for the Thirty-third Day were adopted with 26 ayes, 2 nays and 21 not voting.

Mr. Whitney offered the following amendment to the Warner amendment No. 4 found in the Journal on page 799 for the Thirty-third Day. In line 3 delete \$850 and insert \$900 in line 6 under (4)a p. 799 delete 850 and insert 1200.

SPEAKER PROUD PRESIDING

The Whitney amendment failed with 10 ayes, 15 nays and 24 not voting.

The Warner amendment No. 4 found in the Journal on page 799 for the Thirty-third Day was adopted with 25 ayes, 10 nays and 14 not voting.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 28, 1974, at 11:10 a.m. were the following: LB 17, LB 17A, LB 77, LB 77A, LB 228, LB 228A, LB 600, LB 640, LB 684, LB 697, LB 730, LB 513, LB 604, LB 612, LB 613, LB 621, LB 636, LB 645, LB 652, LB 662, LB 674, LB 675, LB 712, LB 716, LB 732, LB 756, LB 765, LB 766, LB 767, LB 804, LB 827, LB 912, LB 944, LB 1034, LB 771, LB 873, LB 888, LB 888A, LB 925, LB 925A, and LB 954.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORT
Rules

February 18, 1974

The Rules Committee wishes to report the following rule changes advanced to the floor of the Legislature:

Sen. Duis – RULE 2, Sec. 7(b)

No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he may yield to a question. No guest will be introduced during the legislative session except dignitaries. Guests not introduced may be inserted in the journal by request. No member shall use profane or abusive language when speaking to, or about another member.

Sen. Johnson - RULE 6, Sec. 2(g)

Any rule to the contrary notwithstanding any motion to amend a bill while appropriate funds of any nature shall require a majority vote of the elective members.

(Signed) Herbert J. Duis, Chairman

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 930. Placed on General File as amended. Standing Committee amendments to LB 930:

1. On page 2, line 21 after "Colfax," insert "and" after "Nance" strike ", and Polk" and show the old matter as stricken; in line 24 after "Otoe," insert "Polk,".

2. On page 3 strike the new matter in lines 3 to 11 and insert:

"As of the effective date of this act any developmentally disabled individual attending any existing regional program may continue to do so and actual costs shall be contracted and

paid by the regions involved. Any developmentally disabled individual desiring to change to another region may do so with the approval of the regional directors from the region delivering the service and the region contracting for the service. Any such change shall be subject to contract and payment by the regions involved. Payment shall be based upon actual cost for the provision of the service or services exclusive of other available funds which may be utilized to support the cost of services to the individual."

LEGISLATIVE BILL 1020. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

ANNOUNCEMENT

Mr. Marvel announced an Appropriations meeting in Room 1003 at noon today.

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 117.

Introduced by Schmit, 23rd District; Anderson, 37th District; Barnett, 26th District; Burbach, 19th District; Carpenter, 48th District; C. Carsten, 2nd District; F. Carstens, 30th District; Cavanaugh, 9th District; Chambers, 11th District; Clark, 47th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Epke, 24th District; Fellman, 4th District; Fowler, 27th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Kime, 43rd District; Kremer, 34th District; F. Lewis, 45th District; Luedtke, 28th District; Mahoney, 5th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Moylan, 6th District; Murphy, 17th District; Nore, 22nd District; Proud, 12th District; Rasmussen, 41st District; Richendifer, 16th District; Savage, 10th District; Simpson, 46th District; Skarda, 7th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Warner, 25th District; Wiltse, 1st District.

WHEREAS, Congress approved the National Cemeteries Act of 1973; (Public Law 93-43) on June 18, 1973;

WHEREAS, President Nixon affixed his signature to this legislation establishing within the Veterans Administration a National Cemetery

System which would consist of National Cemeteries transferred to the Veterans Administration from the Department of the Army, cemeteries presently under the jurisdiction of the Veterans Administration and such other military cemeteries as directed by the President as well as other cemeteries, memorials or monuments which may be later acquired or developed; and

WHEREAS, the National Cemeteries Act of 1973 directed the Administrator of Veterans Affairs to conduct a comprehensive study and submit his recommendations to the Congress as to what our National Cemetery System and national burial policy should be; and

WHEREAS, the Veterans Administration study of the National Cemetery System, conducted pursuant to provisions of Public Law 93-43 was released January 22, 1974; and

WHEREAS, this study has revealed three alternative program considerations for future veteran burial benefits; and

WHEREAS, alternative number 3 of this study would expand the present system by providing a regional cemetery in each of the ten standard federal regions and/or establish federally assisted state cemeteries; and

WHEREAS, alternative number 3 meets all of the basic principles discussed in connection with establishing criteria for a sound veterans' burial system; and

WHEREAS, Federal Region VII is composed of the states of Nebraska, Kansas, Iowa, and Missouri; and

WHEREAS, the County Service Officers Association of Nebraska, through their Legislative Chairman, has been instrumental as early as 1968 in suggesting that a portion of the old Mead Nebraska Ordnance Plant area, located approximately equal distance from Lincoln and Omaha, Nebraska, presently owned by the United States Government, be devoted to the establishment of a new Regional National Cemetery providing burial space reasonably close to their homes for veterans of eastern Nebraska, western Iowa, northwestern Missouri and northeastern Kansas; and

WHEREAS, the veterans organizations of Nebraska recognize the need for a regional cemetery near the more densely populated area of these four states; and

WHEREAS, the proposed use of land suitable for burial purposes in the old Mead Ordnance Plant area, Mead, Nebraska, would be a centralized location with adequate hard-surface roads for accessibility.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recommends to the Administrator of the Veterans Administration, Donald E. Johnson, the serious consideration of the Mead, Nebraska site for a new regional cemetery.

2. That copies of this resolution be transmitted by the clerk of the

Nebraska Legislature to the Administrator of the Veterans Administration, Donald E. Johnson; to each member of the Nebraska Congressional delegation; to the Congressional delegations of the states of Iowa, Kansas, and Missouri; and to the recognized National Veterans Organizations, seeking their influence and support of this proposal.

MOTION—Place LB 615 on General File

Mr. Carpenter moved to place LB 615 on General File notwithstanding the committee action. Motion pending.

MOTION—Place LB 706 on General File

Mr. Stahmer moved to place LB 706 on General File notwithstanding the committee action. Motion pending.

UNANIMOUS CONSENT—Print Amendments to LB 782 in Journal

Mr. Fellman asked unanimous consent to print the following amendment to LB 782 in the Journal. No objections. So ordered.

Amendments to LB 782

1. On page 3, line 5, insert "pursuant to sentence of any court" after "therein"; and insert the following after the period "The sheriff shall have full charge of all persons prior to sentencing.".

2. In the standing committee amendments strike beginning with "and" in line 8 through the period in line 9, and in line 8, insert the following after "position": ". The specific qualifications of the Director of Corrections shall be set forth in the rules of the merit commission. All other personnel shall be employed by the division under rules and examination procedures which shall be established by the merit commission."; in line 10, insert "on the operative date of this act" after "office"; strike beginning with "as" in line 14 through the period in line 17, and insert "on the same basis. No person shall make such transfer more than once.".

3. In standing committee amendments, insert a new section 7 to read:

"Sec. 7. No person in the employ of the office of the sheriff shall be reduced in rank or pay, suspended, removed, or deprived of any benefits accrued as of the operative date of this act except as provided in the rules of the merit commission.".

4. Renumber sections 7 and 8 of the standing committee amendments as sections 8 and 9 respectively.

UNANIMOUS CONSENT—Bracket LB 870

Mr. F. Lewis asked unanimous consent to bracket LB 870 on Wednesday, March 6, 1974. No objections. So ordered.

MOTION—Place LB 901 on General File

Mr. Chambers renewed his pending motion found in the Journal on page 817 for the Thirty-fourth Day to place LB 901 on General File notwithstanding the committee action.

Mr. Chambers requested a Call of the House. The motion lost with 13 ayes, 16 nays and 20 not voting.

The Chambers motion to place LB 901 on General File lost with 13 ayes, 12 nays and 24 not voting.

MESSAGE FROM THE GOVERNOR

February 28, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

In the interest of fiscal responsibility and prevention of tax increases, I return herewith LB 77 and LB 77A without my signature and with my objections.

I am hopeful that the Legislature will concur that since revenues have been reduced, it is inconsistent to preach economy on one hand and launch additional spending on the other. The nearly one quarter million dollars provided for in these measures are all above my budget recommendations.

If the revenue were available, the intent behind LB 77 and 77A might deserve consideration. That is not the case.

For the information, please be advised that under this administration, we have already dramatically increased the criminal division of the State Patrol. Since fiscal 1970-71, we have raised personnel in this division from 35 to the present figure of 88 for a 151% increase in three years. At the same time, we have raised funding from \$385,070 in fiscal 1970-71 to \$1,163,342 for fiscal 1973-74 for a 202% increase.

This is the first test of my offer to cooperate with the Legislature in attempting to operate under the 11% income tax rate.

I urge caution in all spending measures and hope you will concur.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet at 1:00 p.m. today in the East Chamber.

PRESIDENT MARSH PRESIDING

UNANIMOUS CONSENT—LB 737 Statement

Mr. Luedtke asked unanimous consent to print a corrected committee statement on LB 737 in the bill books. No objections. So ordered.

UNANIMOUS CONSENT—Bracket LB 815

Mr. DeCamp asked unanimous consent to bracket LB 815 on General File for Monday, March 4. No objections. So ordered.

UNANIMOUS CONSENT—Bracket LB 782

Mr. Fellman asked unanimous consent to bracket LB 782 on General File for Thursday, March 7. No objections. So ordered.

MOTION—Adjournment

Mr. Barnett moved that when we adjourn this afternoon, we adjourn until 10:00 a.m., Monday, March 4. The motion prevailed.

UNANIMOUS CONSENT—Print Amendment to LB 845

Mr. Fellman asked unanimous consent to print proposed amendments to LB 845. No objections. So ordered. (Amendments printed separate from the Journal and on file in the Clerk's Office.)

STANDING COMMITTEE REPORTS **Government, Military and Veterans Affairs**

LEGISLATIVE BILL 204. Indefinitely postponed.
LEGISLATIVE BILL 295. Indefinitely postponed.
LEGISLATIVE BILL 322. Indefinitely postponed.
LEGISLATIVE BILL 393. Indefinitely postponed.
LEGISLATIVE BILL 426. Indefinitely postponed.
LEGISLATIVE BILL 842. Placed on General File.

LEGISLATIVE BILL 995. Placed on General File as amended.
Standing Committee amendments to LB 995:

1. On page 2, line 19 strike "Lancaster County" and after "commissioners" insert "of counties with a population of one hundred fifty thousand to three hundred thousand inhabitants".
2. On page 4, line 10 strike "and"; in line 13 after "System" insert "; and (a) Deputy sheriffs".
3. On page 5, line 9 strike "three" and insert "two"; strike lines 12 to 15 and insert "Member shall be appointed by classified employees who are covered by the county personnel system."; in line 24 after "appointed" insert "in the same manner".
4. On page 8, line 24 after "shall" insert "", with the assistance of two advisory groups; one of classified employees and one of department heads,".
5. On page 9, line 1 after "departments" insert "", county employee associations,"
6. On page 12, line 13 strike "16" and insert "15".
7. On page 13, line 8 after "officer" insert "and department head".
8. On page 14, line 14 after "employee" insert a semicolon and strike the remainder of the line; strike lines 15 to 17.
9. On page 15, line 12 strike "and entire" and insert "a" and strike "or"; in line 13 strike "from".
10. On page 16, line 19 strike "16" and insert "15".

(Signed) Ernest Chambers, Chairman

Public Health and Welfare

LEGISLATIVE BILL 1005. Placed on General File as amended.
Standing Committee amendments to LB 1005:

1. On page 3, lines 3 and 4 strike "of the College of Medicine", line 17 strike "sixty-five" and insert "seventy-seven", line 19 after "program" insert "", twenty-two of which may be in contract programs", line 23 after "program" insert "", twenty-five of which may be in contract programs", and line 27 after "program" insert "", thirty of which may be in contract programs".
2. On page 4, line 4 insert "", thirty of which may be in contract programs" after "program".

(Signed) Thomas C. Kennedy, Chairman

RECESS

At 11:58 a.m., on a motion by Mr. C. Carsten, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:07 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. F. Carstens, Snyder and Stromer who were excused, Mr. F. Lewis who was excused until 2:45 p.m., members of the Appropriations Committee and the Agriculture Committee who were excused, Mr. Chambers who was absent until 2:30 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 641. Replaced on Select File as amended.
E & R amendments to LB 641:

1. In line 17 of the Kremer amendment, strike both commas, insert an underscored semicolon after "dollars", insert an underscored comma after "Provided"; and in line 29 strike "on election day" and insert "for the election".

2. In line 20 of the Kremer amendment, strike the comma and insert an underscored semicolon; and in line 22, strike the first "the" and insert "this".

LEGISLATIVE BILL 864. Placed on Select File as amended.
E & R amendments to LB 864:

1. On page 3, line 8 after "records" insert "that" and strike "to be" and insert "is".

2. On page 5, line 4 after "service" insert "undeliverable"; and in line 25 after "returned" insert "by the United States postal service undeliverable".

3. In the title, line 5 after "less" insert "; and to declare an emergency".

LEGISLATIVE BILL 794. Placed on Select File.
E & R amendments to LB 794:

1. On page 2, line 14, strike "For Indian Cave State Park:" and show the same as stricken.

2. In the title, line 2, strike "81-815,26" and insert "81-815.26"; and in line 4 after the semicolon insert "to provide legislative consent for acquisition of property".

LEGISLATIVE BILL 747. Placed on Select File.

LEGISLATIVE BILL 722. Placed on Select File as amended.

E & R amendment to LB 722:

1. In standing committee amendment, line 3, strike "the municipal" and insert "such court".

(Signed) John J. Cavanaugh, Chairman

NOTICE OF COMMITTEE HEARING
Committee on Committee

February 28, 1974

The Committee on Committees will meet at 8:00 AM, Tuesday, March 12, 1974, in the East Lounge, Room 2230, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Terrance E. Pesek

Nebraska Board of Public Roads Classifications and Standards

Bruce Gillan

Board of Public Roads Classifications and Standards

Reed Gilmore

Oil and Gas Conservation Commission

John Reefe

Nebraska Highway Bond Commission

William Lindeken

Game and Parks Commission

(Signed) Ramey C. Whitney, Chairman

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 789. Placed on General File as amended.
Standing Committee amendments to LB 789:

1. On page 2, line 5 strike "full-time" and show as stricken, after "state," insert "who work one half or more of the regularly scheduled hours during each pay period,"; in lines 21 and 22 strike the new matter; in line 22 reinstate "to", after "financed" strike "in part" and show as stricken, and after "state" strike "and in part" and insert "and in part to the extent the appropriations made for that purpose are available and, if necessary,".

2. On page 4, line 6 strike "full-time" and show as stricken, after "employee" insert ", who works one half or more of the regularly scheduled hours during each pay period,"; in line 8 after "employment," insert "Em-
ployees who are employed less than the regularly scheduled hours shall be

entitled to state contributions on a proportionately reduced basis,"; after line 15 insert a new section as follows:

- "Sec. 7. That section 44-1628, Revised Statutes Supplement, 1973, be amended to read as follows:
- 3 44-1628. No agency shall provide for its employees any program of life
 4 or health insurance supplementary to that provided under sections 44-1620
 5 to 44-1632, except as provided in sections 44-1620, 44-1624, and 44-1625.
 6 The provisions of this section shall not deny an employee the right to
 7 purchase through payroll deduction individual life and health insurance
 8 programs other than those provided under sections 44-1620 to 44-1632.
3. On page 4, line 17 strike "and" and after "44-1627," insert "and 44-1628,".
4. Renumber original sections 7 and 8 as sections 8 and 9 respectively.

LEGISLATIVE BILL 890. Placed on General File.

LEGISLATIVE BILL 1001. Placed on General File.

LEGISLATIVE BILL 1003. Placed on General File as amended.

Standing Committee amendment to LB 1003:

1. On page 3, lines 2 and 3 strike "or voluntary resignation, in good standing," and show as stricken.

(Signed) Ramey C. Whitney, Chairman

UNANIMOUS CONSENT—Bracket LB 995

Mr. Barnett asked unanimous consent to bracket LB 995 for March 5 on General File. No objections. So ordered.

UNANIMOUS CONSENT—Select File Bills

Mr. Carpenter asked unanimous consent to consider the Select File bills reported in today. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 975. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 975A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 739. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 742. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 744. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 748. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 614. E & R amendment found in this day's Journal was adopted.

Mr. Warner offered the following amendment which was adopted with 26 ayes, 0 nays and 23 not voting.

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Insert operative date June 1, 1974.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 855. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 641. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 864. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 794. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 747. Laid over at the request of Mr. Cavanaugh.

LEGISLATIVE BILL 722. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 647. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—General File

Mr. Carpenter asked unanimous consent to consider LB 877 and LB 1024 on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 877. Title read. Considered.

Standing Committee amendments found in the Journal on page 712 for the Thirty-second Day were adopted.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 1024. Title read. Considered.

Mr. Epke offered the following amendment which was adopted:

Amendment to Legislative Bill 1024

1. On page 2, line 19, insert the following after the period:

"The office of administrator may be held by the mayor, with the approval of the council or by any other person. If a person, other than the mayor is appointed administrator, such person may concurrently hold any other appointive office provided for in this section and section 16-325, Revised Statutes Supplement, 1973. If the council assigns the duties of the administrator to the mayor, the council may compensate the mayor for performance of such administrative duties. Such compensation shall be in addition to the salary provided for performance of the duties of the office of mayor. The compensation paid for performance of the duties of administrator shall be paid to the mayor notwithstanding section 16-326, Revised Statutes Supplement, 1972."

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 983. Title read. Considered.

Standing Committee amendment found in the Journal on page 723 for the Thirty-second Day was adopted.

Mr. Carpenter offered the following amendments which were adopted.

Amendment to LB 983

1. On page 8, line 10, change "Sec. 7" to "Sec. 8". Add a new section 7 as follows:

"Sec. 7. The State of Nebraska shall pay to each individual who enlists or reenlists in the Nebraska National Guard the sum of one hundred dollars for each year of the term of enlistment or reenlistment, provided that only one such payment will be made to any individual, and provided that such individual payment will not exceed six hundred dollars, and provided that such payment will not be made until after an individual has satisfactorily completed any active duty training required by law. The Adjutant General will administer the provisions of this act."

Amendment to LB 983

2. On page 8, line 10, change "Sec. 7" to "Sec. 8" - Add a new Section 7 as follows:

"Section 7. There is hereby appropriated out of the general fund in the state treasury, the sum of \$50,000, or so much thereof as may be necessary, to the Military Department of Nebraska for the fiscal year beginning July 1, 1974, and ending June 30, 1975, for the purpose of recruiting and strength maintenance. Recruiting and strength maintenance activities may include, but shall not be limited to, provision to members of the National Guard of suitable awards, honorariums, or other proper recognition for successful recruiting efforts; provision for the financial support of official National Guard functions, the purpose of which is to provide information in regard to and create interest in the National Guard among potential recruits and their families; the preparation and dissemination of information material in regard to the National Guard; provision of advertising in public media for recruiting purposes; and all necessary expenses in connection therewith. The Adjutant General shall supervise the expenditure of such funds for the purposes enumerated."

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 788. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 905. Title read. Considered.

Standing Committee amendment found in the Journal on page 748 for the Thirty-third Day was adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 660. Title read. Considered.

Mr. Duis offered the following amendments to the Standing Committee amendments which were adopted.

Amendment to LB 660

Amendment Standing Committee amendment 5 shown on page 752 of the Journal by substituting the following:

"Sec. 4. Any local government is authorized to provide special transportation by its own vehicles or by contract for those persons sixty years of age and older and for their spouses and dependents, and for those persons unable because of physical handicap to use regular transit buses."

The Standing Committee amendments found in the Journal on page 751 for the Thirty-third day were adopted, as amended.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

MOTION—Return LB 905 to General File

Mr. Mahoney moved to return LB 905 to General File for an amendment.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 905. Mr. Mahoney offered the following amendment which was adopted.

1. On page 12, line 25, after "Labor" insert "the Commissioner of Labor".
2. On page 13, line 6, after "system" insert "Provided, that any individual appointed by the Governor may elect not to become a member of such retirement system."

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 965. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 807. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 808. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 881. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 882. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT—Bracket Bills

Mr. Fellman asked unanimous consent to bracket LB 1015, LB 953, LB 957 and LB 961 on General File for Monday, March 4. No objections. So ordered.

Mr. Murphy asked unanimous consent to bracket LB 692 on General File for Monday, March 4. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 951. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 1007. Title read. Considered.

Standing Committee amendment found in the Journal on page 750 for the Thirty-third Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 710. Title read. Considered.

Standing Committee amendments found in the Journal on page 765 for the Thirty-third Day were adopted.

Mr. Duis offered the following amendment which was adopted:
Strike the emergency clause

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 812. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 960. Title read. Considered.

Standing Committee amendment found in the Journal on page 697 for the Thirty-first Day was adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 942. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 602. Title read. Considered.

Standing Committee amendments found in the Journal on page 780 for the Thirty-third Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 821. Title read. Considered.

Standing Committee amendments found in the Journal on page 544 for the Twenty-fourth Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT—Members Excused

Speaker Proud and Mr. Luedtke asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 625. Title read. Considered.

Mr. Kime offered the following amendment to the Standing Committee amendments which was adopted.

1. On page 4, line 14 strike "two" and insert "~~two~~ three".

Standing Committee amendments referred to in the Journal on page 822 for the Thirty-fourth Day were adopted, as amended.

Mr. Kime moved to advance LB 625 to E & R for Review.

Mr. Kime moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays and 31 not voting.

Mr. Dickinson moved the Call be raised.

The motion prevailed with 20 ayes, 0 nays and 29 not voting.

LB 625 was advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 759. Placed on General File as amended.
Standing Committee amendments to LB 759:

1. Strike original sections 2 to 4 and insert:

"Sec. 2. After the effective date of this act: (1) No new retail or bottle club license shall be issued for any location in a county which has more than one such license for each one thousand population according to the most recent federal census or if the issuance of such license would result in a number of such licenses exceeding such ratio; and (2) in any county in which such ratio is already exceeded, no new retail or bottle

club license shall be issued to replace any license which is surrendered, revoked, or otherwise terminated so long as such ratio remains or would be exceeded, but this subdivision shall not prevent the issuance of a new license to a bona fide purchaser of the business and assets of an existing licensee nor to prevent the renewal of any licensee in effect on the effective date of this act.

Sec. 3. This act shall become operative on December 1, 1974."

LEGISLATIVE BILL 895. Placed on General File as amended.

Standing Committee amendment to LB 895:

1. Strike original sections 1 to 3 and insert:

"Section 1. That section 84-306.03, Revised Statutes Supplement, 1973, be amended to read as follows:
 84-306.03. If a trip or trips, included in an expense claim filed under sections 84-306.01 and 84-306.02, are made by personal automobile or otherwise, only one mileage claim shall be allowed at the rate of ~~twelve~~sixteen cents per mile for each mile actually and necessarily traveled in each calendar month by the most direct route, regardless of the fact that one or more persons are transported in the same motor vehicle; Provided, funds expended for parking may be claimed in addition to the mileage. Such requisition, provided for in section 84-306.02, shall direct the payment of mileage on the basis of the actual cost of travel by rail or bus, where economical or practical and if the mileage expense may be reduced thereby, and shall further direct combined trips with mileage prorated wherever possible. No additional rate of mileage shall be allowed to state inspectors or others who carry state equipment by motor vehicle, regardless of the weight thereof. When such travel is by airplane, authorized as provided in section 84-306.02, there shall be allowed the actual expense incurred.

Sec. 2. That original section 84-306.03, Revised Statutes Supplement, 1973, is repealed."

2. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT to amend section 84-306.03, Revised Statutes Supplement, 1973, relating to claims against the state; to increase the mileage allowance; and to repeal the original section."

(Signed) John J. Cavanaugh, Vice-chairman

GENERAL FILE

LEGISLATIVE BILL 679. Title read. Considered.

Standing Committee amendments found in the Journal on page 817 for the Thirty-fourth Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

VISITORS

President Marsh introduced 33 Third and Fourth grade students and their teachers from Hawthorne School, Lincoln, Nebraska, and former Senator Albert Kjar of Lexington, Nebraska.

ADJOURNMENT

At 4:05 p.m., on a motion by Mr. Syas, the Legislature adjourned until 10:00 a.m., Monday, March 4, 1974.

Vincent D. Brown
Clerk of the Legislature

THIRTY-SEVENTH DAY—MARCH 4, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 4, 1974

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

He leadeth me in Green Pastures, not always, Sometimes He who knoweth best; In kindness leadeth me in weary ways where heavy shadows be. And by still waters, not always so. Of times the storms about my head doeth blow, And o'er my soul the waves and billows go. But when the storm beats loudest and I cry for help, the Master standeth by, and whispers to my soul, Lo! 'Tis I. So where He leadeth me I can safely go. And in the blest hereafter I shall surely know why -- In His wisdom He hath led me so. So this day, O Lord, lead us in the path of righteousness, for your name's sake. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Proud and Skarda who were excused.

CORRECTIONS FOR THE JOURNAL

Page 874, line 23, delete "R" and insert "F".

Page 886, line 17, insert "Re-" before "Engrossment".

The Journal for the Thirty-sixth Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Stahmer asked unanimous consent to be excused this afternoon. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

February 28, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 1036.

This bill was signed by me on February 28, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

February 28, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown

We have received Engrossed Legislative Bill No. 873.

This bill was signed by me on February 28, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 28, 1974. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Boswell, Hobart Jr. - Lincoln, IAFF, Local 644
Childers, Daniel - Lincoln, IAFF, Local 644
Durst, Michael R. - Lincoln, IAFF, Local 644
Noren, Charles F. - Lincoln, Allied Livestock Industries Committee,
Citizens For Contemporary Probate In Nebraska
Tews, David D. - Lincoln, Allied Livestock Industries Committee,
Citizens for Contemporary Probate In Nebraska
Weber, Audrey K. - Lincoln (Inactive), League of Women Voters of
Nebraska

ATTORNEY GENERAL'S OPINION

Opinion No. 147

March 4, 1974

Dear Senator Dickinson:

You have written to this office requesting an opinion relative to the amendments to L.B. 646 adopted on February 28, 1974. We wish to note that your request was received late Friday afternoon, March 1, and you request our response early Monday morning, March 4.

You first ask "On Senator Carpenter's amendment, is the amendment germane to the subject and is it to be retroactive and/or solve a one-time situation?"

Obviously, from the provisions of Section 2 of L.B. 646, it is certainly designed to solve a one-time situation. The bill does not appear to be retroactive as it contemplates future action by the County Board to amend a position any such board may have previously taken. A review of the provisions of the bill does not indicate clearly that the proposed amendment is not germane.

Your second question is "What about the position of persons who have filed for this office based on the present salary? Would there be a refund coming to those who have filed for this office?"

We would suggest that whether or not a refund can be made to persons who have previously filed for the office at a time when a higher salary was contemplated than the salary fixed in accordance with the provisions of this act, is not clear. We point out that the Legislature by appropriate legislation could clearly provide for any such refund.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:jc
cc: Vincent D. Brown

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 779. Replaced on Select File as amended.
E & R amendments to LB 779:

1. In the Kremer amendment after line 1,
insert:

“Sec. 2. That section 37-526, Reissue
Revised Statutes of Nebraska, 1943, be amended to read
as follows:”; and in line 2, insert a period after “37-526”.

2. Renumber original sections 1 and 2
as sections 3 and 4.

3. In E & R amendment 3, strike “39-501”
and insert “37-501”.

4. On page 11, line 6, insert “section
37-526, Reissue Revised Statutes of Nebraska, 1943,”
after “original”.

5. In the title, line 2, insert “section
37-526, Reissue Revised Statutes of Nebraska, 1943,”
after “amend”.

LEGISLATIVE BILL 813. Replaced on Select File as amended.
E & R amendments to LB 813:

1. On page 3, line 24, strike “(1)” and show
as stricken.

2. In new section 4, line 2, insert “the”
after “of”.

3. In the title, line 9, strike “and”; and in
line 10, insert “; and to declare an emergency” after
“sections”.

LEGISLATIVE BILL 734. Replaced on Select File as amended.
E & R amendment to LB 734:

1. In line 1 of E & R amendment 3, strike
“8” and insert “6”.

LEGISLATIVE BILL 829. Replaced on Select File as amended.
E & R amendment to LB 829:

1. In the title, line 5, insert a comma after
“39-6,105”.

LEGISLATIVE BILL 614. Replaced on Select File as amended.
E & R amendments to LB 614:

1. Add a new section 4 to read as follows:

“Sec. 4. This act shall become operative on
June 1, 1974.”.

2. Renumber original section 4 as section 5 and the new section added by the Warner amendment as section 6.

3. In the title, line 6, strike "and" and insert "to provide an operative date;"; and in line 6, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 641. Replaced on Select File as amended. E & R amendments to LB 641:

1. In the Kremer amendment, line 13, strike the semicolon and insert an underscored comma.

2. In the Kremer amendment, line 17, strike "and".

LEGISLATIVE BILL 723. Placed on Select File.

LEGISLATIVE BILL 733. Placed on Select File as amended. E & R amendments to LB 733:

1. On page 2, line 8, after "record" insert an underscored period and strike the remainder of the line and all of line 9 showing all old matter as stricken.

2. In lieu of the committee amendment, for clarification purposes, on page 3, strike lines 24 to 27, and on page 4, strike lines 1 to 6, and in line 7 before "proceeding" insert the following:

"Sec. 4. Where a juvenile".

3. In lieu of the Luedtke amendment, strike section 3 and renumber original section 4 as section 3 and original sections 6 and 7 as sections 5 and 6.

4. On page 5, line 1, after the second comma insert "and"; and in line 2, strike "29-613," and strike "and 43-202,".

5. In the title, line 2, insert "and" after the second comma and strike the remainder of the line; in line 3 strike "and 43-202,"; in lines 6 and 7 strike "to correct a cross reference;"; and in lines 8 and 9 strike "to provide standards for modification of sentences;".

LEGISLATIVE BILL 972. Placed on Select File as amended. E & R amendment to LB 972:

1. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT relating to public welfare; to prescribe situations where the Department of Public Welfare shall provide statewide child care services; and to provide for notice.".

LEGISLATIVE BILL 654. Placed on Select File as amended.
E & R amendment to LB 654:

1. In the title, line 4 after the second semicolon, insert "to require that determinations by municipalities be recorded as prescribed;"

LEGISLATIVE BILL 826. Placed on Select File as amended.
E & R amendment to LB 826:

1. On page 7, line 2, after "which" insert "fund is hereby created. Such fund".

2. On page 13, line 8 strike "~~did~~" and insert "did done".

LEGISLATIVE BILL 768. Placed on Select File.

LEGISLATIVE BILL 875. Placed on Select File as amended.
E & R amendment to LB 875:

1. In the title, strike lines 2 to 6 and insert:
"FOR AN ACT relating to mass transit funding; to amend sections 14-1821 and 39-2402, Revised Statutes Supplement, 1972; to permit use of certain money from the Highway Allocation Fund; to provide a mill levy increase for certain transit authorities; to provide reduced fares; and to repeal the original sections."

LEGISLATIVE BILL 991. Placed on Select File.

LEGISLATIVE BILL 992. Placed on Select File.

LEGISLATIVE BILL 993. Placed on Select File.

LEGISLATIVE BILL 994. Placed on Select File.

LEGISLATIVE BILL 676. Placed on Select File.

LEGISLATIVE BILL 909. Placed on Select File.

LEGISLATIVE BILL 824. Placed on Select File.

LEGISLATIVE BILL 805. Placed on Select File.

LEGISLATIVE BILL 796. Placed on Select File as amended.
E & R amendment to LB 796:

1. On page 5, line 23, insert "or village" after "city".

LEGISLATIVE BILL 784. Placed on Select File.

LEGISLATIVE BILL 924. Placed on Select File.

LEGISLATIVE BILL 694. Placed on Select File as amended.
E & R amendments to LB 694:

1. Add a new section to read as follows:
"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and

after its passage and approval, according to law.”.

2. In the title, line 6, strike “three hundred” and insert “sixty”; in line 7, strike “and”; and in line 8, insert “; and to declare an emergency” after “sections”.

LEGISLATIVE BILL 911. Placed on Select File as amended.
E & R amendment to LB 911:

1. In new section 3, line 1, insert “students receiving” after “of”; and strike beginning with “for” in line 1 through “student” in line 2.

LEGISLATIVE BILL 922. Placed on Select File as amended.
E & R amendment to LB 922:

1. On page 2, lines 11 and 12, strike “his nominee” and insert “a person designated by him”.

LEGISLATIVE BILL 886. Placed on Select File as amended.
E & R amendment to LB 886:

1. In the title, line 4, strike “vehicle”.

LEGISLATIVE BILL 893. Placed on Select File.

LEGISLATIVE BILL 974. Placed on Select File.

LEGISLATIVE BILL 920. Placed on Select File as amended.
E & R amendment to LB 920:

1. In the title, strike beginning with “permit” in line 4 through “bumpers” in line 5, and insert “provide an exemption with respect to length for buses”.

LEGISLATIVE BILL 832. Placed on Select File as amended.
E & R amendment to LB 832:

1. In the title, strike lines 3 to 5 and insert: “assignment of retired judges to the courts of the state when needed; and to provide for payment of salaries and expenses.”.

LEGISLATIVE BILL 966. Placed on Select File as amended.
E & R amendments to LB 966:

1. On page 2, lines 2 and 25, strike “1973” and insert “1972”.

2. In the title, line 3, strike “1973” and insert “1972”.

Correctly Engrossed

The following bills were correctly engrossed: 736, 737, 738, 739, 742, 790, 822, 828, 833, 975, and 975A.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 1004. Placed on General File as amended.
Standing Committee amendments to LB 1004:

1. On page 4 after line 10 insert the following:

"Sec. 2. That section 60-456, Revised Statutes Supplement, 1972, be amended to read as follows:

3 60-456. No disability benefit payments shall be made except upon adequate proof furnished to the system of the existence of such disability, and during the time when any such benefits are being paid the system shall have the right, at reasonable times, to require the disabled patrolman to submit proof of the continuance of the disability claimed. ~~For the first three years that disability payments are made, disability~~ Disability is defined to be the complete inability of the patrolman, for reasons of accident or sickness, to perform the duties of a patrolman. ~~After the first three years that disability payments are made, disability is defined to be the complete inability of the patrolman, for reasons of accident or sickness, to perform the duties of any occupation for which he is reasonably suited by education, training, and experience.~~

Sec. 3. That section 60-458, Revised Statutes Supplement, 1972, be amended to read as follows:

3 60-458. (1) Should any patrolman, prior to becoming eligible to retire, as provided in section 60-452, become separated from state service as a patrolman for reasons other than death or disability, either voluntarily or involuntarily, such patrolman shall thereupon be entitled to receive all payments which have been made by salary deductions into the fund created by sections 60-441 to 60-461.

(2) In lieu of the benefit described in subsection (1) of this section, the patrolman may elect to receive a deferred annuity to commence at age ~~sixty-five~~ sixty-five. If this election is made, the contributions made to the system by the patrolman may not be withdrawn from the system. The deferred annuity to commence at age ~~sixty-five~~ sixty-five is computed as a percentage of the retirement annuity, as computed in subsection (1) of section 60-452.01. The percentage is zero per cent for the first ~~ten~~ five years of service; ~~fifty per cent after ten completed years of service, increasing by five~~ twenty per cent for each completed year of service for the next ~~ten~~ five years of service; and one hundred per cent after ~~twenty~~ ten completed years of service."

2. In line 11 strike "section" and insert "sections", after "60-452.01," insert "60-456, and 60-458," and in line 12 strike "is" and insert "are".

3. Renumber original section 2 as section 4.

(Signed) Ramey C. Whitney, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 803. Indefinitely postponed.

LEGISLATIVE BILL 844. Indefinitely postponed.

LEGISLATIVE BILL 840. Placed on General File as amended.

Standing Committee amendment to LB 840:

1. On page 2, line 17 after "optometrist" add "dentist," and add a new section to read as follows:

"Sec. 3. A service or total or partial reimbursement for dentistry required under Section 1 of this Act shall not become effective until January 1, 1976."

(Signed) Fred W. Carstens, Chairman

Revenue

LEGISLATIVE BILL 632. Placed on General File as amended.

Standing Committee amendment to LB 632:

1. On page 3 line 24 strike "twelve" and insert "thirteen".

(Signed) J. W. Burbach, Chairman

**NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems**

LB 1002 Monday, March 11, 1974 (Continued)

12:00 Noon

(Signed) Ramey C. Whitney, Chairman

ANNOUNCEMENT

Mr. Luedtke announced an executive session of the Judiciary Committee at 1:30 p.m. today in Room 2102.

UNANIMOUS CONSENT—Print in Journal

Mr. Maresh asked unanimous consent to print proposed amendments to LB 897. No objections. So ordered. (Amendments printed separate from the Journal and on file in the Clerk's office.)

SELECT FILE

LEGISLATIVE BILL 747. Mr. Cavanaugh moved to indefinitely postpone. The motion lost with 6 ayes, 29 nays and 14 not voting.

Mr. Fowler offered the following amendment:

To stike on line 7 page 5 "felony" and insert misdemeanor

Line 8 strike "two thousand" and insert "five hundred"

Line 9 and 10 strike "in the Nebraska Penal and Correctional Complex"

Line 10 stike "less" insert "more" strike "one year" insert "six months" and line 10 strike "nor more than five years"

The Fowler amendment lost with 4 ayes, 28 nays and 17 not voting.

Advanced to E & R for Engrossment with 28 ayes, 3 nays and 18 not voting.

MESSAGES FROM THE GOVERNOR

March 1, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 600, 604, 612, 621, 636, 645, 662, 674, 675, 684, 697, 712, 716, 730, 732, 765, 766, 767, 771, 804, 912, 944, 954, and Reengrossed Legislative Bills Nos. 652 and 513.

These bills were signed by me on March 1, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS

LEGISLATIVE BILL 646. Replaced on Select File as amended.
E & R amendments to LB 646:

1. In lieu of the Stull amendment, in the Carpenter amendment, line 3, insert ", specifically including officers in counties of Class 7," after "officers".

2. In line 4 of E & R 3, insert "of all county officers" after "salaries".

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE BILL 646. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 646 to Select File

Mr. Kime moved to return LB 646 to Select File for the following specific amendment:

1. In the Final Reading bill, page 2,
strike the new and reinstate the stricken matter in
lines 4 to 8; and strike lines 11 and 12 and insert
"inhabitants, there shall be elected a clerk of".

The motion prevailed with 26 ayes, 1 nay and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 646. The Kime specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 646 to Select File

Mr. Snyder moved to return LB 646 to Select File for the following specific amendment:

strike the Carpenter amendment, adopted February 28, 1974 to LB 646.

Mr. Snyder requested a record vote.

Mr. Snyder moved for a Call of the House. The motion lost with 15 ayes, 19 nays and 15 not voting.

Voting in the affirmative, 10:

DeCamp	Dickinson	Kennedy	Kremer	Murphy
Schmit	Snyder	Stromer	Syas	Warner

Voting in the negative, 16:

Anderson	Carpenter	C. Carsten	Cavanaugh	Chambers
Clark	Duis	Fellman	Fowler	Goodrich
Kime	F. Lewis	Mahoney	Nore	Richendifer
Stull				

Not voting, 23:

Barnett	Burbach	F. Carstens	Epke	Hasebroock
Johnson	Kelly	Keyes	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Moylan	Proud
Rasmussen	Savage	Simpson	Skarda	Stahmer
Waldron	Whitney	Wiltse		

The Snyder motion to return LB 646 to Select File lost with 10 ayes, 16 nays and 23 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 754A. By Carpenter, 48th District.

A BILL FOR AN ACT to appropriate fourteen thousand six hundred dollars from the Nebraska Motor Vehicle Dealers Licensing Fund for the period of July 1, 1974 to June 30, 1975 to the Nebraska Motor Vehicle Industry Licensing Board, Agency No. 40 for Program 076, Enforcement of Standards Automotive Industry, to aid in carrying out the provisions of Legislative Bill 754, Eighty-third Legislature, Second Session, 1974.

LEGISLATIVE BILL 826A. By Burbach, 19th District.

A BILL FOR AN ACT to appropriate one hundred fifty-seven thousand eight hundred twenty dollars from the Mobile Home and Recreational Vehicle Cash Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Health, Agency No. 20 for Program 514, Community Health Services, to aid in carrying out the provisions of Legislative Bill 826, Eighty-third Legislature, Second Session, 1974.

DISCUSSION

Mr. Marvel discussed the Capital construction budget and related matters with the Legislature.

UNANIMOUS CONSENT—Member Excused

Mr. Duis asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

MOTION—Financial Projection Information

Mr. F. Lewis moved that the financial projection information on income and expenditures be made available to the members by the fiscal staff and the Governor's staff.

Mr. Carpenter moved to amend the F. Lewis motion to allow the staff to get this information as long as it doesn't take them away from their duties in getting the budget bill on this floor.

The Carpenter amendment prevailed with 25 ayes, 0 nays and 24 not voting.

The F. Lewis motion, as amended, prevailed with 27 ayes, 0 nays and 22 not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 149

March 1, 1974

Dear Senator Fellman:

You have asked us several questions concerning the constitutional validity of L. B. 780. Briefly, this bill authorizes a county containing a city of the metropolitan class to impose a sales tax of not to exceed three percent on the charges for sleeping rooms furnished by hotels, as defined. The proceeds of the tax are to be used for promotional advertising, etc., to attract conventions and visitors to the county or its vicinity.

The first question you ask is whether the classification of a county within which a metropolitan city is located is proper. This is the same classification as is involved in Section 23-2601 to Section 23-2612, R. S. Supp., 1972. In an opinion of this office, dated March 11, 1971, Report of the Attorney General, 1971-72, page 47, we upheld that classification, based upon Omaha Parking Authority v. City of Omaha, 163 Neb. 97, 77 N.W. 2d 862. The basic question is whether there is a logical reason for differentiating between a county containing a city of the metropolitan class and other counties, with respect to this particular legislation. It appears clear that the Legislature could properly find that a city of the metropolitan class is much more likely to attract conventions and various other meetings, and that money spent promoting such city for such purposes might well return worthwhile dividends, whereas money spent for such a purpose in other counties not having such a city might be completely wasted. On this basis we feel the classification of counties would probably be upheld.

You next ask whether it is constitutionally permissible to levy the tax only against lodging as defined in the bill. In 51 Am. Jur. 433, Taxation, Section 409, we find:

"The legislative body has inherent power, subject to the controlling provisions of the state organic law and to the applicable paramount provisions of the Federal Constitution, to determine the subjects of taxation for general or for particular public purposes, to determine the persons, property, and privileges to be taxed, and to make appropriate changes in the

selections and classifications of the properties and persons made subject to taxation. * * *. Freedom to select subjects of taxation is inherent in the exercise of the power to tax."

As in all classification, the basic question is its reasonableness. Is there a reasonable justification for imposing this tax on the rental of sleeping rooms in hotels, and not on other businesses? It is true that many other businesses benefit, directly or indirectly, from conventions and other visitors to the city, but few benefit as directly and as visibly as hotels. Even hotels not hosting conventions benefit by virtue of visitors who would otherwise stay at the convention hotels being forced to find other accommodations. We believe the court would have little difficulty sustaining a tax on a business which will benefit so directly from the use of the proceeds of the tax.

Section 5 of the bill provides that the governing body of the county shall prescribe forms and reasonable rules and regulations for the ascertainment, assessment and collection of the tax. You ask about the propriety of this provision. The rules and regulations in question deal with purely administrative matters, and there is no question of delegation to the administrative body of any legislative authority. We see no constitutional difficulty with respect to the provisions in question.

You state that it has been suggested that the program be administered by a joint commission appointed by the county and city, and you ask whether that would be constitutionally proper. While, of course, we have not seen the proposed amendment of this bill, and we hesitate to give approval in advance of legislation we have not seen, it would appear that legislation accomplishing this purpose could be drawn. We point out that the provisions of the Parking Authority Law approved in Omaha Parking Authority v. City of Omaha, 163 Neb. 97, 77 N.W. 2d 862, were administered by such a commission, and we can see no reason why this law could not be similarly administered.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smh

cc: Mr. Vincent Brown

Opinion No. 150
March 4, 1974

Dear Senator Savage:

You request our advice as to the constitutional validity of L.B. 962, which deals with pawnbrokers. The proposed bill is amendatory of Section 69-204, R. R. S. 1943.

Section 69-204 presently regulates the pawnbrokers, among certain other businesses, by requiring persons engaged in such business to maintain and keep certain records open for the inspection of the police and law enforcement officials. The proposed amendment would add a requirement upon the pawnbrokers and other regulated businesses of similar nature, that at the time of any transaction with a person pawning, pledging, mortgaging or selling any property that the pawnbroker obtain from the individual either a fingerprint or colored photograph.

In general, legislation requiring pawnbrokers and moneylenders to secure an identification and detail in their records a description of those people with whom they do business have been upheld. See annotation 125 A.L.R. 598. In the case of *William Medias v. City of Indianapolis*, (1939), 125 A.L.R. 590, 23 N. E. 2d 590, an ordinance requiring pawnbrokers to take the thumbprints of all persons from whom they purchase or received chattels was found not invalid as being an interference with person liberty. In a more recent case of *Hobbs v. Biswell*, 81 N. M. 778, 473 P. 2d 917 a requirement that the pawnbroker keep a detailed description of persons pawning or disposing of merchandise was found valid.

While there is authority to the contrary, courts have generally upheld the validity of regulations similar to that proposed. Our own court has not had occasion to pass upon the question. In view of the authorities of the other states, we do not think that the proposed amendment raises any serious constitutional objection.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:jc

cc: Vincent D. Brown

MOTION—Reconsider Action

Mr. Chambers moved to reconsider action on indefinitely postponing LB 597.

Motion pending. Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 118. By Barnett, 26th District; Anderson, 37th District; Burbach, 19th District; Carpenter, 48th District; C. Carsten, 2nd District; F. Carstens, 30th District; Cavanaugh, 9th District; Chambers, 11th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Epke, 24th District; Fellman, 4th District; Fowler, 27th District; Goodrich, 20th District; Hasebroock, 18th District;

Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Kime, 43rd District; Kremer, 34th District; F. Lewis, 45th District; R. Lewis, 38th District; Luedtke, 28th District; Mahoney, 5th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Moylan, 6th District; Murphy, 17th District; Nore, 22nd District; Rasmussen, 41st District; Richendifer, 16th District; Savage, 10th District; Schmit, 23rd District; Simpson, 46th District; Snyder, 14th District; Stahmer, 8th District; Stromer, 36th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Warner, 25th District; Whitney, 44th District; Wiltse, 1st District.

WHEREAS, the Legislature of the State of Nebraska first named a Poet Laureate of Nebraska in 1923; and

WHEREAS, the position of Poet Laureate was held with distinction and honor by John G. Neihardt until his death in 1973; and

WHEREAS, the position of Poet Laureate of Nebraska is currently vacant; and

WHEREAS, it is to the benefit of the State of Nebraska to have a Poet Laureate, an honorary position that recognizes a person who can creatively portray the beauty and dignity of Nebraska, its citizens, its history and culture through the written word, and who will serve as the literary representative of the State.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. The Executive Board of the Legislature establishes a Poet Laureate Commission, to meet upon call of its chairperson; the Commission to set standards and to receive applications from persons interested in being named Poet Laureate of Nebraska.

2. The membership of the Poet Laureate Commission initially shall consist of Dr. Bernice Slote, Lincoln, who will serve as chairperson; Helen J. Haggie, Lincoln; Hollis J. Limprecht, Omaha; Eunice L. Preston, Lincoln; Dr. Donovan L. Welch, Kearney, and Nellie Snyder Yost, North Platte, and that vacancies on said commission which may exist before the commission makes its recommendation to the Legislature will be filled by the Executive Board of the Legislature.

3. That the Poet Laureate Commission after due deliberation and consideration will make a recommendation to the Legislature in regard to naming a person to the honorary position of Poet Laureate of Nebraska.

LEGISLATIVE RESOLUTION 119. By C. Carsten, 2nd District.

WHEREAS, aviation has become and promises to continue to be an increasingly important factor in the development of communications and transportation in Nebraska, particularly to its smaller communities; and

WHEREAS, no recent comprehensive study of the role of aviation in Nebraska has been conducted; and

WHEREAS, such a study could determine:

(1) How much state, local, and federal money has been expended in the development, construction, operation, and improvement of airports in Nebraska;

(2) How many municipal airports and landing areas there are in Nebraska;

(3) The number and types of aircraft in Nebraska and the nature and extent of their utilization;

(4) The principal users of the airports; and

(5) Similar information relating to privately-owned airports and landing areas in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council assign this resolution to an appropriate committee for study, with the results of such study and recommendations with respect thereto to be reported to the Legislature.

Referred to Executive Board.

LEGISLATIVE RESOLUTION 120. By Marsh, 29th District; Anderson, 37th District; Barnett, 26th District; Burbach, 19th District; Carpenter, 48th District; C. Carsten, 2nd District; F. Carstens, 30th District; Cavanaugh, 9th District; Chambers, 11th District; Clark, 47th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Epke, 24th District; Fellman, 4th District; Fowler, 27th District; Goodrich, 20th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Kime, 43rd District; Kremer, 34th District; F. Lewis, 45th District; R. Lewis, 38th District; Luedtke, 28th District; Mahoney, 5th District; Maresh, 32nd District; Marvel, 33rd District; Moylan, 6th District; Murphy, 17th District; Nore, 22nd District; Rasmussen, 41st District; Richendifer, 16th District; Savage, 10th District; Schmit, 23rd District; Simpson, 46th District; Snyder, 14th District; Stahmer, 8th District; Stromer, 36th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Warner, 25th District; Whitney, 44th District; Wiltse, 1st District.

WHEREAS, the Nebraska Hall of Fame Commission was established in 1961 by action of the Nebraska State Legislature; and

WHEREAS, the Commission utilizing the criteria established by the Legislature has chosen William Jennings Bryan as a member of the Hall of Fame; and

WHEREAS, this noted American statesman and political leader, never ceasing in his efforts to better the cause of the common man, lived and worked in Nebraska during his years of greatest fame and influence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That this Legislature accept the Bust of William Jennings Bryan and have it placed in the Hall of Fame in the State Capitol.

2. That the ceremony for the dedication and installation of the Bust be held at 1:30 P.M. on Tuesday, March 19, 1974, in the Hall of Fame in the State Capitol.

STANDING COMMITTEE REPORTS **Nebraska Retirement System**

LEGISLATIVE BILL 839. Placed on General File as amended.
Standing Committee amendment to LB 839:

1. Strike original section 1 and insert a new section as follows:

“Section 1. Upon the death of any member of a fire or police department of a municipality or a fire district who is killed while in the performance of his duty or dies from injuries received in the performance of his duty, the beneficiary designated by such firefighter or policeman or his estate if no such designation has been made, shall receive a death benefit in the sum of ten thousand dollars to paid by the State of Nebraska.”.

(Signed) Ramey C. Whitney, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 950. Indefinitely postponed.

(Signed) Ernest Chambers, Chairman

MOTION—Place LB 950 on General File

Mr. Snyder moved to place LB 950 on General File notwithstanding the committee action.

Motion pending. Laid over.

EXPLANATION OF VOTE

If I had been present and voting I would have voted in favor of LB 771, 873, 888, 888A, 925, 925A, and 954.

(Signed) Gerald Stromer

ANNOUNCEMENTS

Mr. Clark announced an executive session of the Telecommunications Committee at 12:00 Noon today in Room 2028.

Mr. Kennedy announced an executive session of Public Health and Welfare Committee at 12:00 Noon today instead of 1:00 p.m.

RECESS

At 12:11 p.m., on a motion by Mr. Stull, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:06 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Proud, Skarda and Stahmer who were excused and Mr. Stull who was excused until he arrives.

UNANIMOUS CONSENT—Approve Appointments

Mr. Whitney asked unanimous consent to approve the following Governor appointments found in the Journal on pages 831 and 832 for the Thirty-fifth Day in one record vote. No objections. So ordered. Dr. V. Franklin Colon, Paul Dutton, Paul Harm, and Robert Cox.

Voting in the affirmative, 29:

Burbach	F. Carstens	Clark	Dickinson	Epke
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	F. Lewis	R. Lewis
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Savage	Schmit	Simpson
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 20:

Anderson	Barnett	Carpenter	C. Carsten	Cavanaugh
Chambers	DeCamp	Duis	Fellman	Kremer
Luedtke	Mahoney	Proud	Richendifer	Skarda
Snyder	Stahmer	Stromer	Stull	Waldron

The President declared the appointments confirmed.

MOTION—Place LB 843 on General File

Mr. F. Lewis renewed his pending motion found in the Journal on page 769 for the Thirty-third Day to place LB 843 on General File notwithstanding the committee action.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 22 ayes, 12 nays and 15 not voting.

The Call showed 44 members present.

Mr. Kelly moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Mr. F. Lewis requested a roll call vote on his motion.

Voting in the affirmative, 24:

Anderson	Barnett	Carpenter	F. Carstens	Cavanaugh.
Chambers	Fellman	Fowler	Goodrich	Hasebroock
Keyes	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Richendifer	Savage
Simpson	Syas	Waldron	Warner	

Voting in the negative, 21:

Burbach	C. Carstens	Clark	DeCamp	Dickinson
Duis	Epke	Johnson	Kelly	Kennedy
Kime	R. Lewis	Marvel	Murphy	Nore
Rasmussen	Schmit	Snyder	Stromer	Whitney
Wiltse				

Not voting, 4:

Proud	Skarda	Stahmer	Stull
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The motion lost with 24 ayes, 21 nays and 4 not voting.

ANNOUNCEMENT

Mr. Chambers announced that at 3:00 p.m. all members of the Government Committee are to attend a meeting with the Supreme Court Judges in the Supreme Court Consultation Room in reference to LB 705.

UNANIMOUS CONSENT—Bracket LB 783

Mr. Fowler asked unanimous consent to bracket LB 783 on General File until March 14. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 692. Title read. Considered.

Mr. Waldron moved to indefinitely postpone.

Mr. Nore requested a record vote.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Voting in the affirmative, 20:

Barnett	C. Carsten	F. Carstens	Chambers	Duis
Epke	Kelly	Keyes	Kremer	R. Lewis
Luedtke	Maresh	Marvel	Nore	Rasmussen
Simpson	Stull	Waldron	Whitney	Wiltse

Voting in the negative, 22:

Burbach	Carpenter	Cavanaugh	Clark	DeCamp
Fellman	Fowler	Goodrich	Hasebrook	Johnson
Kime	F. Lewis	Mahoney	Marsh	Moylan
Murphy	Richendifer	Savage	Schmit	Snyder
Syas	Warner			

Not voting, 7:

Anderson	Dickinson	Kennedy	Proud	Skarda
Stahmer	Stromer			

The Waldron motion to indefinitely postpone lost with 20 ayes, 22 nays and 7 not voting.

Mr. Murphy moved to advance LB 692 to E & R for Review.

Mr. Nore requested a record vote.

Mr. Murphy moved for a Call of the House. The motion prevailed with 20 ayes, 9 nays and 20 not voting.

The Call showed 44 members present.

Mr. Simpson moved the Call be raised. The motion prevailed with 25 ayes, 12 nays and 12 not voting.

LB 692 failed to advance to E & R for Review with 21 ayes, 22 nays and 6 not voting.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 646. Replaced on Select File as amended.
E & R amendment to LB 646:

1. In section 2, lines 4 and 5, strike
"pursuant to the provisions of this act".

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE BILL 646. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Re-Engrossment.

GENERAL FILE

LEGISLATIVE BILL 815. Title read. Considered.

Mr. DeCamp offered the following amendments to the Standing Committee amendments, which were adopted:

1. In the standing committee amendments, page 19, line 4, strike "uses" and insert "used"; in line 5, insert "and if such tenant or occupant is convicted of such violation," after the comma, and strike "use" and insert "conviction"; and in line 9, insert "further" after "without".
2. In the standing committee amendments, page 3, strike lines 11 through 14; and renumber subdivisions 11 to 17 as subdivisions 10 to 16.
3. On page 8, line 8 after "person" insert "who" and strike the balance of line 8, and lines 9 to 13, and line 14 before "places".
4. On page 9, line 11 strike "both parties to the action" and insert "the defendant shall".
5. On page 12, line 15, after "No" insert "other" and in line 22 strike "five judicial days" and insert "ten calendar days".
6. On page 19, line 15, strike "in" and insert "to".
7. On page 21 add a new section 26 as follows:
"Sec. 26. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

8. Strike the word "Educational" on Page 2, Line 5, Page 3, Line 9, Page 9 Line 27, Page 10, Line 12.

9. On page 2 Line 14 strike "chemical" and insert "Otherwise"

10. On page 19, line 9, add the word "Further" after the word 'Without'.

The Standing Committee amendments referred to in the Journal on page 616 for the Twenty-seventh Day were adopted, as amended.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 1015. Title read. Considered.

Mr. Kelly offered the following amendment which was adopted with 16 ayes, 4 nays and 29 not voting.

Pg. 5 line 12 after "used." insert new sub section (4)

The Clerk of the District Court, County Court, or separate Juvenile Court shall maintain a record separate from all other judgment dockets of all decrees in which the payment of child support has been ordered.

Standing Committee amendments found in the Journal on page 670 for the Thirtieth Day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 953. Title read. Considered.

Standing Committee amendment found in the Journal on page 752 for the Thirty-third Day was adopted.

Laid over at the request of Mr. Fellman.

LEGISLATIVE BILL 957. Laid over at the request of Mr. Schmit.

LEGISLATIVE BILL 961. Laid over at the request of Mr. Fellman.

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to consider LB 984 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 984. Title read. Considered.

The Warner pending amendments found in the Journal on page 800 for the Thirty-third Day were adopted.

The Warner pending amendments found in the Journal on page 622 for the Twenty-eighth Day were adopted.

The F. Lewis pending amendment found in the Journal on page 675 for the Thirtieth Day lost with 9 ayes, 18 nays and 22 not voting.

Mr. Whitney moved to amend his pending amendment found in the Journal on page 801 for the Thirty-third Day.

In paragraph (1) strike "three hundred seventy-five" and insert "four hundred" strike "nine hundred" and insert "eight hundred fifty"; Strike "one thousand two hundred" and insert "nine hundred".

Mr. Whitney moved for a Call of the House. The motion lost with 16 ayes, 16 nays and 17 not voting.

Mr. Whitney requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Anderson	Burbach	DeCamp	Epke	Hasebroock
Johnson	Kennedy	Kime	Kremer	R. Lewis
Maresh	Nore	Rasmussen	Stromer	Stull
Waldron	Whitney	Wiltse		

Voting in the negative, 25:

Barnett	Carpenter	C. Carstens	Cavanaugh	Clark
Dickinson	Duis	Fellman	Fowler	Goodrich
Keyes	F. Lewis	Luedtke	Mahoney	Marsh
Marvel	Moylan	Murphy	Richendifer	Savage
Schmit	Simpson	Snyder	Syas	Warner

Not voting, 6:

F. Carstens	Chambers	Kelly	Proud	Skarda
Stahmer				

The amendment lost with 18 ayes, 25 nays and 6 not voting.

The Whitney amendment found in the Journal on page 801 for the Thirty-third Day was laid over.

UNANIMOUS CONSENT—Bracket LB 656

Mr. Goodrich asked unanimous consent to bracket LB 656 for Tuesday, March 12 on General File. No objections. So ordered.

ANNOUNCEMENT

Mr. Maresh announced executive session of the Labor Committee on Wednesday, March 6, in Room 1009 at 1:00 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 735, 744, 748 and 855.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 691. Placed on General File as amended.
 Standing Committee amendment to LB 691:

1. On page 3 reinstate the stricken matter on lines 10 to 18, on line 14 insert "of earnings and profits" after "distributions", line 15 strike "per unit retains," and insert "dividends paid on capital stock, nonpatronage income allocated to patrons, or", strike "refunds or" on line 15 and show as stricken matter, line 16 strike "on stock" and show as stricken matter, line 18 insert: "; Provided, that the cooperative may deduct such distributions, not to include redemption of prior years nonqualified notice of allocation, to members or patrons that are paid in money", after "purposes".

(Signed) J. W. Burbach, Chairman

Appropriations

LEGISLATIVE BILL 938. Placed on General File as amended.
 Standing Committee amendment to LB 938:

1. Strike the existing section 1 and insert the following:

"Section 1. The Board of Regents of the University of Nebraska is hereby

2 authorized to sell, on terms and conditions to be prescribed by the board, lands in

3 Lincoln and immediate vicinity located in sections 2, 3, 9, 10, 11, 15 and 27

4 10 north range 7 east, Lancaster County Nebraska, which have been used for township

5 research by the College of Agriculture and which function is being transferred to agricultural

6 Agricultural Field Laboratory. These lands are more particularly described as the

7 follows:

8 (1) The southwest quarter and that part of the west half of the southeast quarter

9 lying west of the centerline of Stevens Creek and that part of the east half of the

10 northwest quarter lying south of the centerline of Stevens Creek and that part of

11 the west half of the northeast quarter lying southwest of the centerline of Stevens Creek, all in said section 2.

12 (2) The southeast quarter and the east half of the southwest quarter of said section 3.

- 14 (3) Lot 31 of irregular tracts in the southeast quarter of said section 9.
15 (4) Lots 15, 23, 25, 29, 30, 31, 32, 33, 34, 35, 38, 39, of irregular tracts all
16 in said section 10.
17 (5) The north half of the northwest quarter, and the north half of the northeast
18 quarter and irregular tract lots 1, 2, 4, 6, and 8, all in said section 11.
19 (6) Lot 51 of irregular tracts in the northeast quarter, and lots 1 through 16,
20 Castleton, except for a parcel described as follows: "A tract in lost 7, 8, 9 and 10,
21 Castleton, beginning at the southwest corner of said lot 9, Castleton, thence north
22 along the west line of said lots 8 and 9, a distance of seven hundred twenty-
seven feet,
23 thence east along a line perpendicular to the west line of said lot 9, a distance
of one
24 hundred nineteen and nine-tenths feet, thence southeast to the right on a curve
having
25 a radius of three hundred twenty-two and thirteen hundredths feet through a
central
26 angle of eighty degrees thirty-two minutes a distance of four hundred fifty-four
27 and seventy-five hundredths feet, thence southeasterly a distance of four hundred
28 fifty-six and six-tenths feet, more or less, to the south line of said lot 10, thence
29 west along the south line of said lots 9 and 10 to the point of beginning"; and lots
30 1 to 11, block 1, lots 1, 2, 17, 18, and 19, block 3, lots 1 and 2, block 4 and
31 outlet A, Rosemont Fourth Addition, all in said section 15.
32 (7) Lot 56 of irregular tracts in the northwest quarter of said section 27.
33 There is hereby created a fund to be known as the Agricultural Field
Laboratory
34 Fund in which shall be deposited all proceeds from the sale of such real estate. All
35 money received from time to time pursuant to the sale of such real estate and
which
36 is deposited in such fund is hereby appropriated to the Board of Regents of the
University of
37 of Nebraska to be used exclusively for the development and improvement of
University of
38 Nebraska Field Laboratory at Mead, Nebraska. Money credited to the
Agricultural
39 Field Laboratory Fund shall be expended prior to the expenditure of any other
Legislative
40 appropriation for the development and improvement of such laboratory.

(Signed) Richard D. Marvel, Chairman

ADJOURNMENT

At 4:25 p.m., on a motion by Mr. Wiltse, the Legislature adjourned until
9:00 a.m., Tuesday, March 5, 1974.

Vincent D. Brown
Clerk of the Legislature

THIRTY-EIGHTY DAY—MARCH 5, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 5, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

O Lord, keep strong our faith in the value of prayer as we unite our petitions in this sacred moment. We have asked for Thy guidance in difficult decisions many times, yet it has not always come when we thought it should come. Many of the situations and relationships which we have asked be changed have remained the same. Forgive us for thinking, therefore, that Thou art unwilling to help us in our dilemmas, or that there is nothing Thou canst do. Remind us, our Father, that when we plug in an electric iron and it fails to work, we do not conclude that electricity has lost its power, nor do we plead with the iron. We look at once to the wiring to find what has broken or blocked connections with the source of power. May we do the same with ourselves, that Thou mayest work through us to do Thy will. This we ask in Jesus' name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Skarda who was excused and Messrs. Fellman and Stahmer who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 916, Line 18, insert Standing Committee Amendments found in the Journal on page 670 for the Thirtieth Day were adopted.
The Journal for the Thirty-seventh Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

March 5, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 640, 756, 827, 888, 888A, 925, 925A, 1034, and Reengrossed Legislative Bills Nos. 17, 17A, 228, and 228A.

These bills were signed by me on March 2, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

March 1, 1974

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

Donald W. Droud, 201 North 20th Street, Lincoln -
to the Motor Vehicle Industry Licensing Board, motorcycle
representative, term expiring January 1, 1977

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly re-engrossed: 646.

The following bills were correctly engrossed: 722, 747 and 794.

LEGISLATIVE BILL 772. Replaced on Select File as amended.
E & R amendments to LB 772:

1. In the Warner amendment 2, dated 2/25
insert "of this act" after "7" in line 3; and after "6"
in line 5 insert "of this act."

2. In the Warner amendment 4, dated 2/25
line 2, strike "(a)"; and in line 3 insert "pupil"
after "each".

3. In the Warner amendment 5 dated 2/25, line 1,
insert "this section" before "shall".

4. In lieu of the Warner amendment 3 dated
2/28, in committee amendment 5, line 5, strike "1975-76"
and insert "1976-77".

5. In the Warner amendment 6, line 4, dated
2/28, strike "and".

6. In the Warner amendment 8, dated 2/28,
strike the period and insert a period at the end of the
line.

LEGISLATIVE BILL 864. Replaced on Select File as amended.
E & R amendments to LB 864:

1. On page 2, insert a comma after "commissioner"
in line 23, "office" in line 24, and "necessary" in line 26.

2. On page 4, line 15, insert "the" after "about".

LEGISLATIVE BILL 647. Replaced on Select File as amended.
E & R amendment to LB 647:

1. In the title, line 7, insert ", and
also sections 24-338, 24-339.05, 24-340, 24-343, and
24-344, Reissue Revised Statutes of Nebraska, 1943,
and sections 24-339, 24-339.01, and 24-341, Revised
Statutes Supplement, 1972" after "sections".

LEGISLATIVE BILL 1011. Placed on Select File as amended.
E & R amendment to LB 1011:

1. On page 11, line 16, strike "8" and
insert "9".

LEGISLATIVE BILL 1013. Placed on Select File.

LEGISLATIVE BILL 1014. Placed on Select File.

LEGISLATIVE BILL 629. Placed on Select File as amended.
E & R amendments to LB 629:

1. In line 1 of the new section added by
standing committee amendment 1, insert "Section 1." before

"That"; in line 33, strike "when" and insert "of the county wherein"; and in line 48, strike "the".

2. On page 2, strike beginning with the first comma in line 19 through "1943" in line 20.

3. On page 3, strike beginning with the comma in line 17 through "thereto" in line 18.

4. Insert the Keyes amendment as section 8.

5. In the title, line 2, insert "to amend section 31-740, Revised Statutes Supplement, 1973," after "ACT"; in line 3, insert "to change provisions for approval of certain plans;" after the semicolon; in line 3 insert "preparation and" after "for"; in line 4 strike "and"; and in line 4 insert "; to repeal the original section; and to declare an emergency" after "procedures".

LEGISLATIVE BILL 1025. Placed on Select File.

LEGISLATIVE BILL 949. Placed on Select File as amended.
E & R amendment to LB 949:

1. In the title, line 6, strike "state" and insert "statute".

LEGISLATIVE BILL 865. Placed on Select File as amended.
E & R amendments to LB 865:

1. On page 2, line 14, insert an underscored comma after "take"; and in line 15, strike "wildlife" and insert "game, game birds, or game animals".

2. On page 3, line 5, insert an underscored comma after "birds".

LEGISLATIVE BILL 976. Placed on Select File.

LEGISLATIVE BILL 1024. Placed on Select File as amended.
E & R amendments to LB 1024:

1. On page 2, line 8 after the second "and" insert "such officer's"; and in line 11, insert an underscored comma after "council".

2. In line 6 of the Epke amendment, strike "Revised Statutes Supplement, 1973"; and in line 12 strike "Revised Statutes Supplement, 1972".

3. In the title, line 5 after the semicolon insert "to provide that the office of administrator may be held by the mayor as prescribed;"

LEGISLATIVE BILL 788. Placed on Select File.

LEGISLATIVE BILL 905. Placed on Select File as amended.
E & R amendments to LB 905:

1. In committee amendment 6, line 2, strike "as".
2. In the title, line 8, after the second semicolon insert "to change definitions;".

LEGISLATIVE BILL 965. Placed on Select File as amended.
E & R amendments to LB 965:

1. On page 2, line 22, after the second comma, insert "as amended by section 1, Legislative Bill 594, Eighty-third Legislature, Second Session, 1974,"; and on page 3, line 4 after "judge" insert "or the clerk".
2. On page 3, line 18, insert "section" after "and"; and in line 19 after the second comma insert "as amended by section 1, Legislative Bill 594, Eighty-third Legislature, Second Session, 1974,".
3. In the title, at the end of line 4, insert "as amended by section 1, Legislative Bill 594, Eighty-third Legislature, Second Session, 1974,".

LEGISLATIVE BILL 807. Placed on Select File.

LEGISLATIVE BILL 881. Placed on Select File.

LEGISLATIVE BILL 882. Placed on Select File.

LEGISLATIVE BILL 951. Placed on Select File as amended.
E & R amendment to LB 951:

1. On page 3, line 22, insert an underscored comma after "agents", and insert "if there is a change" after the second "or"; in line 24, strike "giving" and insert "stating"; in line 25, strike "a" and insert "A"; and in line 26, insert "for the filing of such change" after "paid".

LEGISLATIVE BILL 1007. Placed on Select File.

LEGISLATIVE BILL 812. Placed on Select File.

LEGISLATIVE BILL 942. Placed on Select File.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Kennedy asked unanimous consent to use the East Chamber this afternoon for the Public Health and Welfare Committee Hearing. No objections. So ordered.

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will hold an Executive Session this afternoon at 1:00 p.m.

SELECT FILE

LEGISLATIVE BILL 779. E & R amendments found in the Journal on page 897 for the Thirty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 813. E & R amendments found in the Journal on page 897 for the Thirty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 734. E & R amendments found in the Journal on page 897 for the Thirty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 829. E & R amendment found in the Journal on page 897 for the Thirty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 614. E & R amendments found in the Journal on page 897 for the Thirty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 641. E & R amendments found in the Journal on page 898 for the Thirty-seventh Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 723. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 733. E & R amendments found in the Journal on page 898 for the Thirty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 972. E & R amendments found in the Journal on page 898 for the Thirty-seventh Day were adopted.

Mr. Carpenter offered the following amendment which was adopted with 26 ayes, 0 nays and 23 not voting:
 Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 654. E & R amendment found in the Journal on page 899 for the Thirty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 826. E & R amendments found in the Journal on page 899 for the Thirty-seventh Day were adopted.

Mr. DeCamp offered the following amendments which were adopted with 29 ayes, 0 nays and 20 not voting:

Amendments to LB 826

1. On page 2, line 13 after "of" insert "modular homes and of"; and in line 20 after "in" insert "modular homes and in".
2. On page 4, line 25 after "in" insert "modular homes or in".
3. On page 5, line 3 after "manufactures" insert "modular homes or who manufactures"; in line 6 strike "and"; in line 9 after "leasing" insert "modular homes or"; in line 10 after "vehicles" insert ";"; and (9) Modular home shall mean a dwelling made up of one or more units to be joined into one integral unit built in a factory and erected on a permanent foundation for year-round living"; in line 16 after "in" insert "modular homes or in"; in line 23 after the period insert "The standards adopted by the department for modular homes shall conform to current standards and specifications approved for industrialized residential and commercial construction. Industrialized shall mean those components or total structures manufactured off-site and installed or assembled on-site,"; and in line 24 after "department" insert "for mobile homes or recreational vehicles".
4. On page 7, line 2 after "which" insert "fund is hereby created. Such fund"; in line 10 after "used" insert "modular home,".
5. On page 8, line 3 after "for" insert "modular homes or for".
6. On page 9, line 5 after "a" insert "modular home or"; in line 18 after "any" insert "modular home manufactured more than four months after the effective date of this act which does not comply with standards adopted by the department or who sells, offers for sale, or leases in this state any".
7. On page 10, in lines 10 and 12 after "of" insert "modular homes or of"; in line 18 after "to" insert "modular homes or to"; in lines 21 after "in" insert "modular homes or in"; and in line 27 after "where" insert "modular homes or where".

8. On page 11, line 2 after "inspecting" insert "such modular homes or".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 768. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 875. E & R amendments found in the Journal on page 899 for the Thirty-seventh Day were adopted.

Bracketed at the request of Mr. Snyder.

LEGISLATIVE BILL 991. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 992. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 993. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 994. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 676. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 909. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 824. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 805. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 796. E & R amendment found in the Journal on page 899 for the Thirty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 784. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 924. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 694. E & R amendments found in the Journal on page 899 for the Thirty-seventh Day were adopted.

Mr. Fowler offered the following amendment which was adopted with 25 ayes, 0 nays and 24 not voting.

On page 3 line 1 strike "sixty" and re-insert "three hundred" and in the title strike "sixty" and re-insert "three hundred"

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 911. E & R amendment found in the Journal on page 900 for the Thirty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 922. E & R amendment found in the Journal on page 900 for the Thirty-seventh Day was adopted.

Mr. Carpenter offered the following amendment which was adopted with 26 ayes, 0 nays and 23 not voting.

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 886. E & R amendment found in the Journal on page 900 for the Thirty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 893. Mr. Kremer offered the following amendment:

1. On page 3 insert a new section 2 and 3 to read as follows:

"Sec. 2. That section 39-1639, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1639. Any county, having a population of not more than two hundred thousand inhabitants, may establish and construct new roads, change or extend existing roads, and improve such roads by grading, surfacing, draining and incidental work by the board on its own initiative declaring the advisability or necessity therefor in a proposed resolution, which resolution shall state (1) the road or roads to be improved, (2) if a new road is contemplated, the general location of the new road or changes in location of an existing road, (3) the general description of the proposed improvement, and if the road is to be surfaced, the materials to be used therefore, (4) a rough estimate of the total cost of the improvement, which may be made by the county ~~surveyor~~ highway superintendent or any engineer or competent person and need not be based on detailed plans and specifications, (5) proposed method of financing, and (6) the outer boundaries of the district in which it is proposed to levy special assessments.

Sec. 3. That section 39-1649, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1649. When the road improvements have been completed and accepted the roads ~~shall may~~, by majority vote of the board, constitute a part of the county road system and shall be maintained by the county; Provided, that if the owners of more than fifty percent of the area in the district petition the board for maintenance, ~~in excess of that given other similar county roads~~, the board may levy and collect annually a special levy of not to exceed ~~one mill~~ five mills on all taxable property in the district, except intangible property. The money as collected shall be credited to the rural road improvement district fund and used only for the repair and maintenance of the roads in the district."

2. On page 3, line 16 strike "section" and insert "sections", after "39-1501," insert "39-1639, and 39-1649"; and in line 27 strike "is" and insert "are".

3. Renumber original section 2 as section 4.

The amendment lost with 13 ayes, 14 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 974. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 920. E & R amendment found in the Journal on page 900 for the Thirty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 832. E & R amendment found in the Journal on page 900 for the Thirty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 966. E & R amendments found in the Journal on page 900 for the Thirty-seventh Day was adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 822 to Select File

Mr. Duis moved to return LB 822 to Select File for the following specific amendment:

1. Insert a new Section 2:

Section 2. That Section 70-641, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-641. All provisions of section 52-118, with reference to contractors' bonds, shall be applicable and effective as to any contract let pursuant to the provisions of sections 70-637 to 70-640. provided, that it shall be illegal for the invitation for bids, or for any person acting or purporting to act on behalf of the contracting body, to require that any performance or payment bond be furnished by a particular surety company, or through a particular agent or broker.

2. Renumber original Section 2 as Section 3 and amend to read as follows:

Section 3. That original sections 70-630 and 70-641, Reissue Revised Statutes of Nebraska, 1943, are repealed.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Mr. Duis asked unanimous consent to bracket LB 822 on Select File. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 293

Mr. Simpson asked unanimous consent to unbracket LB 293 on E & R Final. No objections. So ordered.

MOTION—Return LB 293 to Select File

Mr. Simpson moved to return LB 293 to Select File for the following specific amendment:

1. On page 4, strike the Simpson amendment to line 12 and the Goodrich amendment to line 21.
2. In committee amendment 16, line 2, strike the comma.
3. On page 32, insert "district, county, or municipal" at the end of line 5.
4. On page 32, strike line 14 as amended and insert "in writing."

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 293. The Simpson specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 813 to Select File

Mr. Goodrich moved to return LB 813 to Select File for the following specific amendment:

Return 813 from E & R Engrossing to Select File to amend by placing an effective date of 7-1-74

Mr. Carpenter asked unanimous consent to hold the bill and print the amendment. Mr. Richendifer objected.

Mr. Goodrich asked unanimous consent to withdraw the motion. No objections. So ordered.

UNANIMOUS CONSENT—Print amendments to LB 127 in Journal

Mr. Barnett asked unanimous consent to print the following amendments to LB 127 in the Journal. No objections. So ordered.

Amendments to Standing Committee amendments - L.B. 127

1. On page 8, strike lines 9 to 11 and insert:

"(a) Alcoholism care centers to provide a point of entry into a continuum of care which would include all services appropriate to the needs of alcoholic persons. The Alcoholism Care Center would provide: intake, emergency screening, detoxification, immediate access to emergency medical care and referral or placement in treatment or service programs appropriate to the individ-

ual's need. The Alcoholism Care Center shall provide by contractual agreement emergency medical care on a twenty-four hour, seven day a week basis with a properly licensed hospital or medical facility or a licensed physician;".

2. On page 11, line 4 insert "alcoholism care center" after "an", line 5 insert "alcoholism care center or" after "no", and strike lines 19 to 24 and insert:

"(3) A person who comes voluntarily or who shall be brought to an alcoholism care center or an approved public treatment facility shall be evaluated as soon as possible. He may then be admitted to emergency care, admitted as a patient or referred to the service most appropriate to his immediate need. The referring agency shall be responsible for arranging transportation.", strike lines 25 to 27.

3. On page 12 strike lines 1 to 7 and insert:

"(4) A person, who, after evaluation is found to be incapacitated by alcohol may not be detained (a) once he is no longer incapacitated by alcohol for more than forty-eight hours after admission as a patient, unless he is committed under section 10 of this act. A person may consent to remain in the facility as long as the director in charge believes appropriate.".

4. On page 13 line 5 insert "alcoholism care center or an" after "an", line 13 insert "alcoholism care center or the" after "the", and on line 13 strike "medical".

5. On page 14 line 7 insert "alcoholism care center or" after "approved", line 13 insert "or either of them," after the comma, and line 23 insert "alcoholism care center or" after "any".

6. On page 15, line 20 insert "alcoholism care center or the" after "the".

7. On page 20 line 5 strike "state hospital" and insert "regional center", line 9 insert "alcoholism care center or" or after "an", and line 22 insert "an alcoholism care center or" before "approved".

STANDING COMMITTEE REPORTS

Telecommunications

LEGISLATIVE BILL 892. Placed on General File.

(Signed) Robert L. Clark, Chairman

Committee on Committees

March 5, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Neil Colerick

Advisory Committee to the Department of Economic Development

Senator Leslie A. Stull appeared in favor of Mr. Colerick's appointment and no one appeared in opposition.

Committee Vote: For: (7) Senators Duis, Nore, Snyder, Stromer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (6) Senators Barnett, Chambers, Epke, Johnson, Luedtke and Stahmer.

(Signed) Ramey C. Whitney, Chairman

March 5, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Calvin L. Hayes

Advisory Committee to the Department of Economic Development

No one appeared for or against Mr. Hayes.

Committee Vote: For: (7) Senators Duis, Nore, Snyder, Stromer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (6) Senators Barnett, Chambers, Epke, Johnson, Luedtke and Stahmer.

Bennett S. Martin

Advisory Committee to the Department of Economic Development

No one appeared either for or against Mr. Martin.

Committee Vote: For: (7) Senators Duis, Nore, Snyder, Stromer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (6) Senators Barnett, Chambers, Epke, Johnson, Luedtke and Stahmer.

(Signed) Ramey C. Whitney, Chairman

MOTION—Override Veto on LB 77

Mr. Schmit moved to override the Governor's veto on LB 77. The question is, "Shall LB 77 pass notwithstanding the objections of the Governor?"

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 30:

Barnett	Carpenter	C. Carsten	F. Carstens	Chambers
Clark	Duis	Fellman	Goodrich	Johnson
Kime	R. Lewis	Luedtke	Marsh	Marvel

Murphy	Nore	Proud	Richendifer	Savage
Schmit	Simpson	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Wiltse

Voting in the negative, 18:

Anderson	Burbach	Cavanaugh	DeCamp	Dickinson
Epke	Fowler	Hasebroock	Kelly	Kennedy
Keyes	Kremer	F. Lewis	Mahoney	Maresh
Moylan	Rasmussen	Whitney		

Not voting, 1:

Skarda

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Override Veto on LB 77A

Mr. Schmit moved to override the Governor's veto on LB 77A. The question is "Shall LB 77A pass notwithstanding the objections of the Governor?"

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 30:

Barnett	Carpenter	C. Carsten	F. Carstens	Chambers
Clark	DeCamp	Duis	Fellman	Johnson
Kime	R. Lewis	Luedtke	Marsh	Marvel
Murphy	Nore	Proud	Richendifer	Savage
Schmit	Simpson	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Wiltse

Voting in the negative, 18:

Anderson	Burbach	Cavanaugh	Dickinson	Epke
Fowler	Goodrich	Hasebroock	Kelly	Kennedy
Keyes	Kremer	F. Lewis	Mahoney	Maresh
Moylan	Rasmussen	Whitney		

Not voting, 1:

Skarda

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused. No objections.
So ordered.

MOTION—Place LB 801 on General File

Mr. Keyes moved to take LB 801 from the Nebraska Retirement Systems Committee and place it on General File.

Mr. Keyes requested a roll call vote.

Voting in the affirmative, 16:

Anderson	Barnett	Carpenter	Cavanaugh	Fellman
Fowler	Keyes	F. Lewis	Mahoney	Richendifer
Savage	Simpson	Stahmer	Stull	Syas
Warner				

Voting in the negative, 24:

C. Carsten	Clark	DeCamp	Dickinson	Epke
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Kime	Kremer	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Murphy	Nore	Rasmussen
Schmit	Snyder	Stromer	Whitney	

Not voting, 9:

Burbach	F. Carstens	Chambers	Duis	Moylan
Proud	Skarda	Waldron	Wiltse	

The motion lost with 16 ayes, 24 nays and 9 not voting.

LB 801 stands indefinitely postponed.

ANNOUNCEMENT

Mr. Dickinson announced that today is the Thirty-first Anniversary of Lt. Governor and Mrs. Marsh.

UNANIMOUS CONSENT—Member Excused

Mr. Schmit asked unanimous consent to be excused at 11:15 a.m. No objections. So ordered.

GENERAL FILE**LEGISLATIVE BILL 984.** Considered.

Mr. Whitney renewed his amendments found in the Journal on page 801 for the Thirty-third Day.

Mr. Whitney moved for a Call of the House. The motion prevailed with 18 ayes, 12 nays and 19 not voting.

The Call showed 45 members present.

Mr. Goodrich moved the Call be raised. The motion prevailed with 30 ayes, 2 nays and 17 not voting.

The Whitney amendments lost with 17 ayes, 25 nays and 7 not voting.

Mr. Warner offered the following amendment which was adopted:
Strike the last two paragraphs of the Warner amendments on page 800 of the Journal.

Mr. Warner offered the following amendment which was adopted:
Add a new section to read: "This act to become operative September 1, 1974."

Mr. F. Lewis offered the following amendment:
Strike Section 2, 3, 4, 5, 6, 7, and 8.

The amendment lost with 13 ayes, 22 nays and 14 not voting.

Advanced to E & R for Review with 27 ayes, 8 nays and 14 not voting.

Mr. Carpenter asked unanimous consent to expedite LB 984 and place it before LB 772 on Final Reading. No objections. So ordered.

ANNOUNCEMENT

Mr. Marvel announced the Appropriations Committee will meet in executive session at 12:00 noon in Room 1003.

Mr. Kremer announced the executive session of the Public Works Committee today has been canceled.

UNANIMOUS CONSENT—Print in Journal

Mr. Marvel asked unanimous consent to print the following amendments to LB 997 in the Journal. No objections. So ordered.

Amendments to LB 997

- 1) On page 19, after line 13, insert "The unexpended Cash Fund balances existing on June 30, 1974, are hereby reappropriated." and "Cash Fund expenditures shall not be limited to the amount shown."
- 2) On page 21, line 5, strike "407,161" and insert "409,661".
- 3) On page 21, line 7, strike "443,261" and insert "445,761".
- 4) On page 21, line 10, strike "424,092" and insert "426,592".
- 5) On page 21, line 13, strike "526,142" and insert "528,642".
- 6) On page 28, after line 23, insert "The director shall investigate the feasibility of functioning within the Department of Health -- Agency No. 20, under Program 178, Bureau of Examining Boards, and to report such findings in the 1975-76 budget request."
- 7) On page 40, after line 22, insert "The agency shall include in the 1975-76 budget request a state plan for economic development. Such plan shall include a statement of philosophy, a translation of the philosophy into specific objectives to be accomplished, how the objectives are to be accomplished, including agencies involved and funding sources, and the procedure to be utilized to evaluate the effectiveness of programs. The plan shall consist of a five-year plan and a description of how the 1975-76 budget request relates and contributes to the five-year plan."
- 8) On page 43, after line 21, insert "The unexpended General Fund balance existing on June 30, 1974, is hereby reappropriated."
- 9) On page 53, line 2, strike "year ending June 30" and insert "period July 1" and insert "to June 30, 1975," after "1974,".
- 10) On page 53, lines 4 and 5, strike "the effective date of this act" and insert "June 30, 1974".
- 11) On page 54, line 18, strike "year ending" and insert "period July 1, 1974 to".
- 12) On page 54, lines 21 and 22, strike "the effective date of this act" and insert "June 30, 1974".
- 13) On page 3, lines 3 and 4, strike "33,820" and insert "43,820"; line 26, strike "2,293,183" and insert "2,303,183"; on page 4, line 1, strike "2,493,138" and insert "2,503,138".
- 14) On page 18, lines 12 and 13, strike "251,099" and insert "262,880"; on line 19, strike "251,099" and insert "262,880"; on line 22, strike "8,141,946" and insert "8,154,236".
- 15) On page 11, line 7, strike "207,837" and insert "191,882"; line 9, strike "272,122" and insert "256,167"; on page 13, line 20, strike "1,670,746" and insert "1,654,791"; line 23, strike "3,510,545" and insert "3,494,590".
- 16) On page 14, line 26, strike "519,745" and insert "499,745"; on page 15, line 2, strike "1,339,529" and insert "1,319,529"; on page 16, line 13, strike "1,956,953" and insert "1,936,953"; line 16, strike "5,766,880" and insert "5,746,880".
- 17) On page 25, lines 20 and 21, strike "284,816" and insert "290,611"; on page 26, line 2, strike "290,891" and insert "296,686"; line 4, strike "321,630" and insert "327,425".
- 18) On page 5, line 2, strike "2,818,363" and insert "2,804,708"; line 4, strike "2,848,363" and insert "2,834,708".
- 19) On page 29, strike lines 24 through 27; on page 30, strike lines 1 and 2; on line 3, strike "198,900" and insert "99,450"; on line

14, strike "1,702,534" and insert "2,216,684"; on line 15, strike "211,400" and insert "111,950"; on line 17, strike "2,183,934" and insert "2,598,634"; on line 20, strike "1,702,534" and insert "2,216,684"; on line 21, strike "211,400" and insert "111,950"; on line 23, strike "2,183,934" and insert "2,598,634". On page 30, after line 6, insert the following: "There is included in the amount shown \$24,700 General Funds, which sum shall be used to purchase and distribute additional copies of "Nebraska for the People."

20) On page 33, line 14, strike "289,873" and insert "295,873"; and on line 17, strike "403,051" and insert "409,051".

21) On page 8, lines 3 and 12, strike "40,000" and insert "123,310"; on line 13, strike "899,308" and insert "982,618"; on line 4, strike "51,626" and insert "134,936".

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 906. Placed on General File.

LEGISLATIVE BILL 1047. Placed on General File.

(Signed) J. W. Burbach, Chairman

Education

LEGISLATIVE BILL 849. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

Judiciary

LEGISLATIVE BILL 1028. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Luedtke asked unanimous consent to place LB 1028 at the top of General File.

Mr. Proud objected.

VISITORS

President Marsh introduced Mr. Francis O'Brien, Colfax County Attorney from Schuyler, Nebraska; former Lincoln Mayor Bennett Martin; Mr. and Mrs. Melchior of West Point, Nebraska; 17 students from Southeast Nebraska Consolidated Schools, Mr. Holding, sponsor and 2 exchange students from Brazil; 13 Junior Class students from Brownell-Talbot School, Omaha, Nebraska; 27 Senior North Loup-Scotia students and teachers.

RECESS

At 11:55 a.m., on a motion by Mr. Syas, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:02 p.m., Mr. Syas presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Skarda, who was excused, Hasebroock and Johnson who were excused until they arrive, Goodrich who was absent until 2:45 p.m., and Chambers who was absent.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 740. Placed on General File as amended.
Standing Committee amendments to LB 740:

1. Strike original section 1 and insert the following:

"Section 1. That section 84-1317, Revised Statutes Supplement, 1973, be amended to read as follows:

84-1317. An employee may elect to retire on the attainment of age sixty-five or on the attainment of age sixty after thirty years of service. With the approval of the department concerned and the employee, an employee may retire on the attainment of age sixty regardless of the number of years of service. An employee may retire as a result of disability at any age.

Any employee shall be required to retire at the end of the month in which has sixty-fifth birthday occurs, except that with the annual approval of the department concerned and the employee, such employee may continue his employment until the attainment of age seventy-two; Provided, the Clerk and Reporter of the Supreme Court serving on the effective date of this act may continue employment with approval of the Supreme Court and any employee of the Legislative Council serving on the effective date of this act may continue employment with the approval of the Legislature.

The first of the month immediately following the last day of work shall be the retirement date, except that disability retirement benefits shall be paid from the date of disability as determined by the board. The provisions pertaining to mandatory retirement shall not apply to elected officials. First payments pertaining to retirements under prior service provisions of sections 84-1301 to 84-1331 shall be made at such time as the retirement board may determine."

2. On page 3, line 17, strike "84-1301" and insert "84-1317".

(Signed) Ramey C. Whitney, Chairman
EASE

The Legislature was at ease from 2:08 p.m. until 2:18 p.m.

MOTION—Suspend Rules

Mr. Luedtke moved to suspend the rules to place LB 1028 at the top of General File. The motion prevailed with 34 ayes, 1 nay and 14 not voting.

MOTION—Place LB 973 on General File

Mr. Stahmer renewed his pending motion, found in the Journal on page 786 for the Thirty-third Day, to place LB 973 on General File notwithstanding the Committee action.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 6 nays and 22 not voting.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 6 nays and 27 not voting.

Mr. Dickinson requested a record vote on the Stahmer motion.

Mr. Stahmer moved for a Call of the House. The motion prevailed with 21 ayes, 6 nays and 22 not voting. The Call showed 44 members present.

Mr. Savage moved the Call be raised. The motion prevailed with 23 ayes, 12 nays and 14 not voting.

Mr. Stahmer requested a roll call vote.

Voting in the affirmative, 18:

Anderson	Barnett	F. Carstens	Cavanaugh	Fowler
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Moylan	Rasmussen	Richendifer	Schmit	Simpson
Stahmer	Syas	Waldron		

Voting in the negative, 17:

Burbach	Carpenter	C. Carsten	DeCamp	Dickinson
Fellman	Goodrich	Hasebrook	Kelly	Keyes
Proud	Savage	Snyder	Stromer	Stull
Warner	Wiltse			

Not voting, 14:

Chambers	Clark	Duis	Epke	Johnson
Kennedy	Kime	Kremer	F. Lewis	Marvel
Murphy	Nore	Skarda	Whitney	

The Stahmer motion lost with 18 ayes, 17 nays and 14 not voting.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 769. Placed on General File as amended.
Standing Committee amendments to LB 769:

1. On page 2, line 11 after "road" strike the remainder of the line; strike the new matter in lines 12 to 14; in line 16 strike "forfeit" and insert "forfeit, upon conviction thereof, be punished by a fine", and reinstate "not"; in line 17 strike the new matter and reinstate the stricken matter, strike "three" and insert "three ten" and strike "ten" and insert "ten one hundred"; and in line 18 strike "five hundred".

2. On page 3, line 4 after "work" insert ", nor when damage has been caused by a mechanical malfunction of any irrigation equipment, when a sprinkler irrigation system was set so that under normal weather conditions no water would have been placed upon the right-of-way of any road, or when the county board grants permission for the landowner to divert water from one area to another along a county highway right-of-way".

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 995. Title read. Considered.

Standing Committee amendments found in the Journal on page 882 for the Thirty-sixth Day were adopted.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 826A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT—Print Amendments to LB 354 in Journal

Mr. Luedtke asked unanimous consent to print the following amendments to LB 354 in the Journal. No objections. So ordered.

Amendments to the February 21, 1974 Draft Incorporating
the Standing Committee Amendments to L. B. 354

1. On page 9, line 7 after "will" insert "at the date of its execution".
2. On page 10, after line 5 insert:

- "(29) Notice means compliance with the requirements of notice pursuant to subdivisions (a) (1) and (a) (2) of section 20."
3. On pages 10 to 13 renumber original subdivisions "(29) to (52)" as subdivisions "(30) to (53)" respectively.
4. On page 16, line 11 strike beginning with "The" to the period in line 14.
5. On page 17, line 21 after "(1)" insert "if the identity and address of any person is known, (i)"; and in line 26 after "known;" insert "or".
6. On page 18, line 1 strike "(2)" and insert "(ii)"; in line 3 strike "or" and insert "and"; in line 4 strike "(3)" and insert "(2)" and strike the remainder of the line; strike line 5; in line 6 strike "diligence," and strike "two" and insert "three"; and in line 7 after "in a" insert "legal".
7. On page 37, line 16 after "require" insert "in a proceeding initiated under the provisions of section 83 of this act".
8. On page 63, line 2 strike "court" and insert "formal or informal proceeding for probate or".
9. On page 73, line 6 strike "two" and insert "three"; in line 17 strike beginning with "The" to the period in line 20.
10. On page 77, line 6 strike "two" and insert "three"; in line 12 after "appointment," insert "and"; in line 14 after "case" insert a period and strike the remainder of the line; strike lines 15 to 17 to the period; in line 21 strike "The notice"; and strike lines 22 to 24.
11. On page 79, line 18 after "(c)" insert "or in section 161".
12. On page 82, line 24 strike "subdivisions" and insert "subdivision" and strike "and 20 (a) (2)".
13. On page 83, line 14 strike "(3)" and insert "(2)"; and strike lines 18 to 20.
14. On page 95, line 18 after "party" insert a period and strike the remainder of the line; in line 19 strike "desirable."; and in line 25 after "proceeding" insert "or thereafter in any formal proceeding brought to secure bond or any other relief".
15. On page 117, line 9 after "balances" insert ", except that unless authorized by will, real property may be sold only following a court order with notice given in the manner prescribed by subdivisions (a) (1) and (a) (2) of section 20".
16. On page 120, line 13 strike "section" and insert "article"; in line 15 strike "two" and insert "three"; in line 26 strike "The notice required under"; and strike line 27.
17. On page 121, strike lines 1 and 2.
18. On page 147, line 7 strike "as it directs".
19. On page 162, line 26 after "age" insert a semicolon and strike the remainder of the line; and strike line 27.
20. On page 182, line 14 after "(b)" strike the remainder of the line; strike line 15; and in line 16 strike "in writing, and if" and insert "If".

ADJOURNMENT

At 4:00 p.m., on a motion by Mr. Carpenter, the Legislature adjourned until 9:00 a.m., Wednesday, March 6, 1974.

Vincent D. Brown
Clerk of the Legislature

THIRTY-NINTH DAY—MARCH 6, 1974

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
SECOND SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 6, 1974

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Whitney presiding.

PRAYER

The prayer was offered by the Chaplain.

O God, our Father, we know that our laws can be no better than those who make the laws and administer the laws, and the people who follow the laws.

As this legislature initiates laws, give them the courage to look to themselves. Our pride, our passions, and our self-interests are very real, and often dominate the center of life from which our thinking stems and our decisions follow.

We pray that Thou wouldst allow other qualities, which may be buried, to rise again in our lives - decency, consideration, unselfishness, and hard thinking with a warm heart.

In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Proud and Skarda who were excused and Mr. Fellman who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 925, line 23, insert "Re-" before "Engrossment".

Page 938, line 40, insert "(Signed) Ramey C. Whitney, Chairman".

The Journal for the Thirty-eighth Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

March 5, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 613.

This bill was signed by me on March 5, 1974 and delivered to the
Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Unbracket LB 646

Mr. Carpenter asked unanimous consent to unbracket LB 646 on Final
Reading for tomorrow. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 327. Mr. Waldron moved to return LB 327 to Select
File for the specific amendment referred to in the Journal on page 818 for
the Thirty-fourth Day.

Mr. Waldron moved for a Call of the House. The motion prevailed with 22
ayes, 12 nays and 15 not voting.

The Call showed 46 members present.

Mr. C. Carsten moved the Call be raised. The motion prevailed with 28
ayes, 2 nays and 19 not voting.

Mr. Waldron requested a roll call vote on his motion.

Voting in the affirmative, 24:

Anderson	Barnett	Carpenter	F. Carstens	Cavanaugh
Chambers	Fowler	Goodrich	Johnson	Keyes
Kime	F. Lewis	Luedtke	Mahoney	Maresh

Marsh	Richendifer	Savage	Schmit	Simpson
Stahmer	Syas	Waldron	Whitney	

Voting in the negative, 22:

Burbach	C. Carsten	Clark	DeCamp	Dickinson
Duis	Epke	Hasebroock	Kelly	Kennedy
Kremer	R. Lewis	Marvel	Moylan	Murphy
Nore	Rasmussen	Snyder	Stromer	Stull
Warner	Wiltse			

Not voting, 3:

Fellman	Proud	Skarda
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The motion lost with 24 ayes, 22 nays and 3 not voting.

Mr. Waldron moved to bracket LB 327 on Final Reading. The motion prevailed with 21 ayes, 20 nays and 8 not voting.

MOTION—Unbracket LB 327

Mr. Murphy moved to unbracket LB 327 on Final Reading. The motion prevailed with 30 ayes, 3 nays and 16 not voting.

MOTION—Return LB 327 to Select File

Mr. Murphy moved to return LB 327 to Select File for a specific amendment. The motion prevailed with 34 ayes, 1 nay and 14 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 811.

A BILL FOR AN ACT relating to rights and privileges; to remove citizenship as a requirement for the grant of certain rights and privileges; to amend sections 1-114, 1-137, 19-1806, 37-211, 71-103, 71-139.01, 71-175.01, 71-1,107.13, 71-1,107.14, 71-1,132.13, 71-1,132.37, 71-1,158, 72-302, 77-308, 81-8,117, and 81-8,196, Reissue Revised Statutes of Nebraska, 1943, sections 37-204, 71-139, and 71-2803.01, Revised Statutes Supplement, 1972, and section 71-1,145, Revised Statutes Supplement, 1973; and to repeal the original sections, and also sections 4-101, 4-102, 4-103, 4-104, 4-105, 71-3815, and 79-1247.12, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Duis
Epke	Fowler	Goodrich	Johnson	Kelly
Keyes	Kime	F. Lewis	Luedtke	Mahoney
Marsh	Marvel	Moylan	Murphy	Richendifer
Savage	Schmit	Simpson	Stahmer	Stromer
Waldron	Warner	Whitney		

Voting in the negative, 13:

F. Carstens	Dickinson	Hasebroock	Kennedy	Kremer
R. Lewis	Maresh	Nore	Rasmussen	Snyder
Stull	Syas	Wiltse		

Not voting, 3:

Fellman	Proud	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT—Member Excused

Mr. Kime asked unanimous consent to be excused at 10:30 a.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 772. E & R amendments found in the Journal on page 922 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 864. E & R amendments found in the Journal on page 922 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 647. E & R amendment found in the Journal on page 922 for the Thirty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1011. E & R amendment found in the Journal on page 922 for the Thirty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1013. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1014. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 629. E & R amendments found in the Journal on page 922 for the Thirty-eighth Day were adopted.

Laid over at the request of Mr. Keyes.

LEGISLATIVE BILL 1025. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 949. E & R amendment found in the Journal on page 923 for the Thirty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 865. E & R amendments found in the Journal on page 923 for the Thirty-eighth Day were adopted.

Mr. Syas offered the following amendment which was adopted with 26 ayes, 0 nays and 23 not voting:

Amendment to LB 865

1. On page 3, after line 21 insert:

"Sec. 2. The provisions of section 37-215.03, Revised Statutes Supplement, 1972, as amended by section 2, Legislative Bill 767, Eighty-third Legislature, Second Session, 1974, shall apply to the hunting of antelope; 4 Provided, that the issuance of limited antelope hunting permits in any 5 management unit shall not exceed twenty per cent of the regular permits 6 authorized for such antelope management unit."

2. Renumber original section 2 as section 3.

Bracketed on Select File at the request of Mr. Anderson.

LEGISLATIVE BILL 976. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1024. E & R amendments found in the Journal on page 923 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 788. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 905. E & R amendments found in the Journal on page 924 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 965. E & R amendments found in the Journal on page 924 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 807. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 881. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 882. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 951. E & R amendments found in the Journal on page 924 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1007. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 812. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 942. Mr. Burbach offered the following amendment which was adopted with 28 ayes, 0 nays and 21 not voting.

1. On page 4, after line 11 insert:

"Sec. 2. That section 77-202.22, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-202.22. The county treasurer shall, on or before November 30 of each year, certify to the ~~Director of Administrative Services~~ Tax Commissioner the total tax revenue that will be lost to all taxing agencies within his county because of exemptions from taxes levied and assessed in that year because of exemptions allowed under the provisions of sections 77-202.12 to 77-202.22. The county treasurer may amend the certification to show any change or correction in the total tax that will be lost until May 30 of the next succeeding year. The ~~director~~ Tax Commissioner shall, on or before January 31 next following such certification or within thirty days of any amendment to the certification, direct the Director of Administrative Services to draw his warrant on the state treasury for the amount so certified against funds appropriated for such purpose and deliver such warrant to the county treasurer. Out of the amount so received the county treasurer shall distribute to each of the taxing agencies within his county the amount so lost by such agency, except that one per cent of such amount shall be deposited in the county general fund; Provided, that the full amount due a Class V school district shall be paid to the district and the county shall be compensated pursuant to section 14-554. Each taxing agency shall, in preparing its annual budget, take into account the amount to be received under the provisions of this section."; in line 12 after "section" insert "77-202.22, Reissue Revised Statutes of Nebraska, 1943, and section"; in line 13 strike "is" and insert "are"; and renumber original sections 2 and 3 as sections 3 and 4 respectively.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 629. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Unbracket LB 822 on Select File

Mr. Duis asked unanimous consent to unbracket LB 822 on Select File.
No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 822. Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 327. Mr. Murphy offered the following amendment which was adopted with 27 ayes, 0 nays and 22 not voting.

Insert the subsection numbers of the new amendments in Articles 304-305-306 of Chapter 87 so that they read

87-304. Exceptions

a) 87-301 to 87-312

b) 87-301 to 87-312

87-305 Act

87-301 to 87-312

87-306 How cited

87-301 to 87-312

Advanced to E & R for Re-Engrossment with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT—Unbracket LB 616 on Select File

Mr. Carpenter asked unanimous consent to unbracket LB 616 on Select File.

Mr. Goodrich objected.

Mr. Carpenter moved to unbracket LB 616 on Select File.

The motion prevailed with 23 ayes, 7 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 616. Mr. F. Lewis offered the following amendment which was adopted with 32 ayes, 0 nays and 17 not voting.

Strike the F. Lewis amendment on page 851 of the Journal.

Mr. Goodrich offered the following amendment:

Strike Sections 6, 7 and 8 of the corrected bill of March 1.

The amendment lost with 12 ayes, 19 nays and 18 not voting.

Mr. Snyder moved to indefinitely postpone.

The motion lost with 7 ayes, 20 nays and 22 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 629 to Select File

Mr. Keyes moved to return LB 629 to Select File for the following specific amendment to Standing Committee amendment:

1. On line 36 after “municipality” add “or county”.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 629. The Keyes specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment with 27 ayes, 0 nays and 22 not voting.

POINT OF PERSONAL PRIVILEGE

Mr. C. Carsten expressed his feelings on the ETV coverage of the Daily Sessions of the Legislature.

MOTION—Television Coverage

Mr. C. Carsten moved the TV cameras be removed from the Legislative Chamber for the remainder of the session.

MR. KREMER PRESIDING

Mr. Barnett asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Carpenter moved the previous question. The question is, “Shall the debate now close?” The motion lost with 22 ayes, 0 nays and 27 not voting.

Mr. Carpenter requested a roll call vote on the C. Carsten motion.

Voting in the affirmative, 17:

Burbach
Johnson

C. Carsten
Kennedy

Dickinson
Kremer

Epke
R. Lewis

Hasebroock
Mahoney

Moylan	Rasmussen	Richendifer	Stromer	Warner
Whitney	Wiltse			

Voting in the negative, 26:

Anderson	Barnett	Carpenter	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Fowler	Goodrich
Kelly	Keyes	F. Lewis	Luedtke	Maresh
Marsh	Marvel	Murphy	Nore	Savage
Simpson	Snyder	Stahmer	Stull	Syas
Waldron				

Not voting, 6:

Duis	Fellman	Kime	Proud	Schmit
Skarda				

The C. Carsten motion lost with 17 ayes, 26 nays and 6 not voting.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bill was correctly re-engrossed: 641.

The following bills were correctly engrossed: 614, 694, 734, 779, 813, and 829.

LEGISLATIVE BILL 293. Replaced on Select File as amended.
E & R amendment to LB 293:

1. In the Simpson amendment 3, adopted 3/5, line 2, strike "5" and insert "6".

LEGISLATIVE BILL 983. Placed on Select File as amended.
E & R amendments to LB 983:

1. On page 6, line 4, strike "sum" and insert "salary sum"; in line 5 strike "per annum" and show as stricken; and in lines 9 and 10 strike "the total pay of this section" and show as stricken and insert "such salary".

2. On page 7, line 2, insert "or chief of staff" after "general".

3. On page 8, line 3, strike the comma and show the same as stricken.

4. Renumber the new section added by the Carpenter amendment 2 as section 8 and original section 7 as section 9.

5. In section 7, lines 3 and 4, strike "provided that only" and insert ". Only"; in lines 4, 5, 6 and 8, strike "will" and insert "shall"; in line 5, strike "provided that"; in lines 5 and 6 strike "and provided that such" and insert ". Such"; and in line 8 strike "act" and insert "section".

6. In section 8, lines 1 and 2, strike "out of the general fund in the state treasury," and insert "from the General Fund"; in line 3 strike "of Nebraska"; in line 7, insert "(1)" after the first comma; in line 9 strike the semicolon and insert ", (2)"; in line 12 strike the semicolon and insert ", (3)"; in line 13 strike "; provision of" and insert ", and (4)"; and in line 14 strike the semicolon and insert an underscored comma.

7. In the title, strike beginning with "National" in line 4 through line 18 and insert "militia; to change membership exemptions; to provide for active service; to harmonize with other legislation; to provide for positions, qualifications, and salaries; to provide for workmen's compensation benefits; to provide for an enlistment or reenlistment bonus; to make an appropriation and provide its purpose; and to".

LEGISLATIVE BILL 660. Placed on Select File as amended. E & R amendments to LB 660:

1. In section 1, line 3, strike the period and insert an underscored semicolon; and in line 6 strike the period and insert "; and".

2. On page 2, line 10, strike "audit" and insert "auditing".

3. In committee amendment 4, line 2, insert an underscored comma after "inhabitants".

4. On page 3, line 13, strike the period.

5. Renumber section 4 added by committee amendment as section 3 and original section 2 as section 4.

6. In the title, insert "to define terms;" at the end of line 2; and in line 5 strike "and county subdivisions" and insert "government".

LEGISLATIVE BILL 960. Placed on Select File as amended. E & R amendments to LB 960:

1. In section 2, line 2, strike the semicolon and insert a comma.

2. In the title, strike lines 2 to 4, and insert: "FOR AN ACT relating to personal property; to provide for the disposition of property as to which

services have been performed or money or material advanced; and to repeal sections 52-602, 52-603, 52-604, and 52-605, Reissue Revised Statutes of Nebraska, 1943, and section 52-601, Revised Statutes Supplement, 1972.”.

LEGISLATIVE BILL 602. Placed on Select File as amended.
E & R amendments to LB 602:

1. On page 2, line 16, insert an underscored comma after “1975”.
2. On page 5, line 21, strike the period and show the same as stricken.
3. In section 12, line 16, strike “of such hearing”.
4. In section 13, line 1, strike “This” and insert “Sections 72-1101 to 72-1119 and sections 11 and 14 of this”; and in line 6 strike “but this act” and insert “, but”.
5. In the title, line 2, insert “72-1108, 72-1109, 72-1114, 72-1115, 72-1116, 72-1117, 72-1118,” after the second comma; strike lines 5 to 8 and insert “extend the application of and modify regulations; to provide for an advisory committee as prescribed; to define”; and in line 9 insert “to provide severability;” after the second semicolon.

LEGISLATIVE BILL 821. Placed on Select File as amended.
E & R amendments to LB 821:

1. All amendatory material having been removed therefrom by committee amendments, strike original section 7 and renumber subsequent sections accordingly.
2. In section 4, insert a comma at the end of line 5 as in the statutes; insert an underscored period at the end of line 9; and in line 10 strike the period and show the same as stricken.
3. On page 7, line 24, strike the comma and show the same as stricken.
4. In committee amendment 3, line 9, insert an underscored comma after “60-320”; in line 10 strike “That the” and insert “The”; and in line 12 strike “will” and insert “shall”.
5. On page 12, line 23, insert an underscored comma after “60-301”; and in line 24 strike the comma and insert “and”.
6. In committee amendment 5, line 3, insert an underscored comma after “junking”.

7. In committee amendment 6, line 2, strike "month" and insert "the period"; in line 2, strike "application" and insert "Application"; and in line 3, insert an underscored comma after "and" and after "appropriate"; and in line 5 insert an underscored period after "purchase".

8. On page 20, line 24, insert an underscored period after "60-311", and strike the period and show the same as stricken.

9. On page 21, line 9, insert an underscored comma after "furnished"; and in line 20, strike the comma and show the same as stricken.

10. In renumbered section 13, line 15, insert an underscored semicolon after "registration"; in line 16 strike the semicolon and show the same as stricken; and in line 18 insert a semicolon after "tax" as in the statutes.

11. On page 22, line 22, strike "60-341,"; and in line 25 strike "sections 60-301, and 60-320," and insert "section 60-301,".

12. In committee amendment 11, line 4, insert "the first" after "strike".

13. In the title, line 3, strike "and 60-341" and insert "77-1240, 77-1240.03, and 77-1241.01"; in line 4 insert "60-302, 60-303, 60-305.04," after "sections"; in line 5 strike "and 60-315," and insert "60-315, 60-331, and 77-1238,"; strike line 6 and insert "and section 60-301, Revised"; and in line 9 strike "passenger cars" and insert "and taxing certain motor vehicles".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT

Education

LEGISLATIVE BILL 853. Placed on General File as amended.
Standing Committee amendments to LB 853:

1. On page 2, line 3 strike "one" and insert "one half".

2. On page 2, add a new section 2 as follows:

"Sec. 2. (1) Each area board may enter into agreements to acquire capital construction projects by purchase, lease-purchase, construction or otherwise and agree to pay the cost thereof from the proceeds of such capital construction tax levy over such period of years as the area board may determine;

(2) In order to provide funds for capital construction projects, each area board may issue bonds, the principal and interest of which shall be payable solely from proceeds of the capital construction tax levy over such period of years as the area board may determine;

(3) In connection with any agreement, or bond issue, each area board may agree to make a continuing capital construction tax levy until any amount due is fully paid, and may pledge all or any portion of the proceeds of the tax to such payment; and

(4) Any agreement or bond issue shall be approved by the state board.”

(Signed) Jerome Warner, Chairman

Public Works

LEGISLATIVE BILL 795. Placed on General File as amended.
Standing Committee amendments to LB 795:

- 1. On page 2 insert two new sections as follows:

“Section 1. That section 39-7,128. Reissue Revised Statutes,

2 of Nebraska, 1943, be amended to read as follows:

3 39-7,128. In order to prevent and eliminate successive

4 traffic violations, there is hereby provided a point system

5 dealing with traffic violations as disclosed by the files of the

6 Director of Motor Vehicles. The following point system shall

7 be adopted:

8 (1) Conviction of a felony in the commission of which a

9 motor vehicle was used--12 points;

10 (2) Third offense drunken driving in violation of any city or

11 village ordinance or of section 39-727, as disclosed by the

12 records of the director, regardless of whether the trial court

13 found the same to be a third offense--12 points;

14 (3) Third offense reckless driving or willful reckless

15 driving, or any combination of the two, in violation of any

16 city or village ordinance or sections 39-7,107 to 39-7,107.05,

17 as disclosed by the records of the director, regardless of whether

18 the trial court found the same to be a third offense--12 points;

19 (4) Failure to stop and render aid as required under the laws

20 of this state in the event of a motor vehicle accident resulting

21 in the death or personal injury of another--12 points;

22 (5) Failure to stop and render aid as required under the laws

23 of this state or any city or village ordinance in the event of a

24 motor vehicle accident resulting in property damage if such acci-

25 dent is reported by the owner or operator within twelve hours

26 from the time of the accident--4 points, otherwise--8 points, and

27 for purposes of this subdivision a telephone call or other noti-

28 fication to the appropriate peace officers shall be deemed to be

29 a report;

30 (6) Driving a motor vehicle while under the influence of

31 alcoholic liquor or any drug in violation of any city or village

32 ordinance or of section 39-727--6 points;

33 (7) Willful reckless driving in violation of any city or

34 village ordinance or of section 39-7,107.02 or 39-7,107.04--6;

35 (8) Careless driving in violation of any city or village

36 ordinance--4 points;

37 (9) Negligent driving in violation of any city or village

38 ordinance--3 points;

39 (10) Reckless driving in violation of any city or village
40 ordinance or of section 39-7,107--5 points;

41 (11) Speeding in violation of any city or village ordinance
42 or of section 39-723 or 39-7,108: (a) Not more than five miles
43 per hour over the speed limit--1 point; (b) more than five miles
44 per hour but not more than ten miles per hour over the speed limit--2
45 points; (c) more than ten miles per hour over the speed limit--3
46 points; and

47 (12) All other traffic violations involving the operation
48 of motor vehicles by the operator, for which reports to the Depart-
49 ment of Motor Vehicles are required under sections 39-794 and 39-795,
50 not including parking violations, muffler violations, motorcycle
51 protective headgear violations, or overloading of trucks--2 points.

52 All such points shall be assessed against the driving record
53 of the operator as of the date of the violation for which conviction
54 was had.

55 In all cases, the forfeiture of bail, not vacated, shall be
56 regarded as equivalent to the conviction of the offense with which
57 the operator was charged.

Sec. 2. That section 60-403.01, Revised Statutes Supplement,
2 1972, be amended to read as follows:

3 60-403.01. No person shall operate a motorcycle on the
4 streets, alleys, or public highways of the State of Nebraska
5 until such person shall have obtained a motorcycle operator's
6 license. No such license shall be issued until the applicant has
7 appeared before an examiner and (1) satisfied the examiner that
8 he meets the vision and physical requirements established under
9 the provisions of section 60-407 for operation of a motor vehicle,
10 and (2) successfully completed such examination, including the
11 actual operation of a motorcycle, as may be prescribed by the
12 Director of Motor Vehicles. Any applicant who qualifies for a
13 motorcycle operator's license shall be issued a license for such
14 operation or, if he is the holder of a valid motor vehicle operator's
15 license, shall have endorsed thereon by the county treasurer,
16 upon receipt of the examiner's certificate, the authorization to
17 operate a motorcycle. Fees for motorcycle operators' licenses
18 shall be the same as provided by section 60-409 for motor vehicle
19 operators' licenses. A person operating a motorcycle without a
20 motorcycle operator's license shall be guilty of a ~~misdemeanor~~
21 traffic infraction, and shall, upon conviction thereof, be fined
22 not less than ten dollars nor more than one hundred dollars." ; in
23 line 13 strike "Natural" and insert "National"; after line 16
24 insert a new section as follows:

"Sec. 4. That section 60-403.04, Revised Statutes Supplement,
2 1972, be amended to read as follows:
3 60-403.04. Whoever violates the provisions of section 60-403.01
4 or 60-403.02, shall be guilty of a ~~misdemeanor~~ traffic infraction
5 and shall, upon conviction thereof, be fined not less than ten
6 dollars nor more than one hundred dollars." ; in line 17 strike
"section" and insert "sections 39-7,128 and"; in line 18 strike
"is" and insert "and sections 60-403.01 and 60-403.04, Revised

Statutes Supplement, 1972, are"; and renumber original sections 1 and 2 as sections 3 and 5 respectively.

(Signed) Maurice A. Kremer, Chairman

Revenue

LEGISLATIVE BILL 820. Placed on General File as amended.
(Standing Committee amendments printed separately from the Journal and on file in the Clerk's office)

(Signed) J. W. Burbach, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1028A. By Carpenter, 48th District.

A BILL FOR AN ACT to appropriate two hundred fifty thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Justice, Agency No. 11 for Program 507, Interpretation and Application of Law, to aid in carrying out the provisions of Legislative Bill 1028, Eighty-third Legislature, Second Session, 1974.

LEGISLATIVE BILL 790A. By C. Carsten, 2nd District; Epke, 24th District.

A BILL FOR AN ACT to appropriate one hundred twenty-four thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Administrative Services, Agency No. 65 for Program 509, Budget and Planning, to aid in carrying out the provisions of Legislative Bill 790, Eighty-third Legislature, Second Session, 1974.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 984. Placed on Select File as amended.
E & R amendments to LB 984:

1. In the Warner amendment 1, found on page 622 of the Journal, strike "8" and insert "7".
2. Insert the operative date section as section 11 and supply underscoring thereto.
3. Renumber original section 8 as section 12.
4. Insert a new section to read:
"Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after

its passage and approval, according to law."

5. In section 4, strike line 10 and insert "which shall be in the increase in the Cost of Living Index as" as in the statutes; in line 12 strike the period and insert ".,"; and in lines 25 and 26 strike "other expenses expenditures" and insert "expenditures for other expenses".

6. In lieu of the Warner amendments to section 6, in section 6, line 7 strike "a" and show as stricken and strike the sentence beginning in line 9 and show as stricken.

7. In section 7, line 4, insert "~~a budget~~" after "seek"; in line 6 insert "~~budget~~" after "higher" and strike "that" and insert "the" as in the statutes; and in lines 7 and 8 strike the second "or a special election".

8. In section 8, line 10, strike the second comma as in the statutes.

9. In lieu of the Warner amendment thereto, in section 9, line 2, strike "subsection (4) of this section" and insert "section 79-4,166".

10. In section 10, lines 1 and 2, strike "promulgate and".

11. On page 7, line 20 insert "79-4,167," before "and".

12. In the title, line 3, insert "79-4,167," before "and"; strike lines 5 to 7 and insert "relating to school expenditures; to change restrictions on public school expenditures; to provide procedures; to provide for rules and regulations; to provide an operative date;"; and in line 10 insert "; and to declare an emergency" after "1973".

(Signed) John J. Cavanaugh, Chairman

MOTION—Place LB 931 on General File

Mr. Schmit moved to place LB 931 on General File notwithstanding with committee action.

Mr. Schmit moved for a Call of the House. The motion lost with 16 ayes, 16 nays and 17 not voting.

The Schmit motion to place LB 931 on General File lost with 14 ayes, 15 nays and 20 not voting.

ANNOUNCEMENT

Mr. Duis announced an Administrative Rules committee executive session at 1:30 p.m. today.

UNANIMOUS CONSENT—Approve Appointments

Mr. Barnett asked unanimous consent to confirm the Governor appointments of the following found in the Journal on page 931-932 for the Thirty-eighth Day in one record vote. No objections. So ordered. Neil Colerick, Calvin L. Hayes, and Bennett S. Martin.

Voting in the affirmative, 28:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Hasebroock	Kelly	Kennedy	Keyes	Kremer
R. Lewis	Luedtke	Maresh	Marsh	Moylan
Murphy	Nore	Rasmussen	Savage	Schmit
Simpson	Snyder	Stahmer	Stull	Syas
Waldron	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 21:

Burbach	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Johnson	Kime	F. Lewis	Mahoney
Marvel	Proud	Richendifer	Skarda	Stromer
Whitney				

The Chair declared the appointments confirmed.

UNANIMOUS CONSENT—Return LB 1049 and LB 1050 to Committee

Mr. Maresh asked unanimous consent to return LB 1049 and LB 1050 to the Labor committee for a public hearing. No objections. So ordered.

NOTICE OF COMMITTEE HEARING**Labor**

LB 1049	Thursday, March 14, 1974	1:30 p.m.
LB 1050	Wednesday, March 13, first 5 claims	1:00 p.m.
LB 1050	Thursday, March 14 remaining 3 claims	1:00 p.m.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT— Member Excused

Mr. F. Lewis asked unanimous consent to be excused Thursday afternoon, March 7 and all day Friday, March 8. No objections. So ordered.

Mr. Clark asked unanimous consent to be excused Friday afternoon, March 8. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1028. Title read. Considered.

Mr. Carpenter offered the following amendment:

Amendments to LB 1028

Amend the present section 1 of L. B. 1028 by striking the
new matter in lines 11 to 18 and substituting the following:

"No later than January 1, 1975, the Attorney General shall establish within the Department of Justice an anti-trust division to which he shall assign one or more assistants, as the work may require. It shall be the primary duty of such division to enforce the laws against monopolies, illegal trusts and other unlawful combinations in restraint of trade, and it shall investigate complaints of violations of such laws, subject to the availability of appropriations for that purpose. To assist the division in this work, the Attorney General shall have authority to call on all agencies of this state, and the political subdivisions thereof, for such assistance as they may be in a position to provide, including but not limited to records and information relating to transactions entered into by them which the Attorney General believes pertain to his anti-trust investigations."

Add a new section 2, as follows:

"The Attorney General shall have and retain all his common law powers with respect to dealing with anti-trust matters, and all related statutes of this state shall be deemed to be supplementary to such powers. The Attorney General shall have authority to bring civil actions in the name of the state against anyone found violating either state or federal anti-trust laws, and may recover treble damages in such actions. Such actions may also be brought as *parens patriae* of the citizens of this state with respect to damages personally sustained by such citizens, and he may recover the aggregate damages sustained by the citizens of this state, without separately proving the individual claims of each such citizen; and his proof of such damages may be based on statistical sampling methods, the pro rata allocation of excess profits to sales occurring within this state, or such other reasonable system of estimating aggregate damages as the court in its discretion may permit; and he shall distribute, allocate, or otherwise pay out of the funds so recovered to each citizen of the state a pro rata portion of the fund attributable to his respective claim for damages, less litigation and administrative costs, and any balance remaining after the payment of such individual claims and the costs of litigation and other administrative costs shall be placed in a fund to be distributed to the common schools of this state."

Add a new section 3, as follows:

"Whenever the Attorney General undertakes any investigation contemplated by the terms of this act he shall have the authority prior to the commencement of any action in court to subpoena witnesses, compel their attendance, examine them under oath or require the production of any books, documents, records, writings or tangible things hereafter referred to as documentary material which the Attorney General deems relevant or material to his investigation, for inspection, reproducing or copying under such terms and conditions as are hereafter set forth. Any subpoena issued by the Attorney General shall contain the following information: (1) The section of the statutes,

the alleged violation of which is under investigation and the general subject matter of the investigation; (2) The date and place at which time the person is required to appear or produce documentary material in his possession, custody or control, and the date shall not be less than 10 days from the date of service of the subpoena; (3) Where documentary material is required to be produced, the same shall be described by class so as to clearly indicate the material demanded. The Attorney General is hereby authorized, and may so elect, to require the production of documentary material prior to the taking of any testimony of the person subpoenaed, in which event, said documentary material shall be made available for inspection and copying during normal business hours at the principal place of business of the person served, or at such other time and place, as may be agreed upon by the person served and the Attorney General. When documentary material is demanded by subpoena, said subpoena shall not contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this state, or require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of this state. Service of such subpoena shall be in the same manner as subpoenas issued by a court in this state, and service on a corporation may be made on its resident agent. The examination of all witnesses under this section shall be conducted by the Attorney General or by an Assistant or Special Assistant Attorney General designated by him in writing, and the testimony shall be taken stenographically or by a sound recording device and shall be transcribed. All persons served with a subpoena by the Attorney General under this act shall be paid the same fees and mileage as paid witnesses in the courts of this state, and they shall be paid the same as other claims against the state at the time such person appears in response to the subpoena. In the event a witness served with a subpoena by the Attorney General under this act fails or refuses to obey the same or produce documentary material as provided herein or to give testimony, relevant or material, to the investigation being conducted, the Attorney General may petition the district court of Lancaster County or the county wherein the witness resides for an order requiring said witness to attend and testify or produce the documentary material demanded; thereafter, any failure or refusal on the part of the witness to obey such an order of court may be punishable by the court as a contempt thereof. In any investigation brought by the Attorney General pursuant to this act, no individual shall be excused from attending, testifying or producing documentary material, objects or tangible things in obedience to a subpoena or under order of the court on the ground that the testimony or evidence acquired of him may tend to incriminate him or subject him to any criminal penalty for or on account of any testimony given by him in any investigation brought by the Attorney General pursuant to this act; Provided, no individual so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying."

Amendment pending.

VISITORS

The Chair introduced Mr. R. C. Johnson, Lincoln; 17 High School students and teacher from Aurora, Nebraska; 19 Head Start students from Clinton School and teacher from Lincoln; 2 Danish exchange students, Morten

Schultege and Raymond Jorgensen sponsored by Mr. and Mrs. Otto Jorgensen and former Senator Hans Jensen from Aurora.

RECESS

At 12:00 Noon, on a motion by Mr. Syas, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:01 p.m., Mr. Whitney presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Proud and Skarda who were excused and Mr. Fellman who was excused until he arrives.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 865A. By Anderson, 37th District.

A BILL FOR AN ACT to appropriate twenty thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Game and Parks Commission, Agency No. 33 for Program 336, Wildlife Conservation, to aid in carrying out the provisions of Legislative Bill 865, Eighty-third Legislature, Second Session, 1974.

MOTION—Introduce Bill

Mr. Kennedy moved the introduction of a new bill by the Public Health and Welfare Committee. (Req. No. 1634)

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1052. By Public Health and Welfare Committee: Kennedy, 21st District, Goodrich, 20th District, R. Lewis, 38th District; Cavanaugh, 9th District; Schmit, 23rd District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 80-309, Revised Statutes Supplement, 1972, relating to the Nebraska Veterans' Home Annex; to transfer a building from the Department of Public Institutions to the annex; to repeal the original section; and to declare an emergency.

MOTION—Place LB 1052 on General File

Mr. Kennedy moved to place LB 1052 on General File without a public hearing.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

GENERAL FILE

LEGISLATIVE BILL 1028. Considered.

The Carpenter pending amendment found in this day's Journal was adopted.

Mr. Maresh asked unanimous consent to add his name to LB 1028. No objections. So ordered.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 692. Laid over at the request of Mr. Murphy.

LEGISLATIVE BILL 953. Bracketed until March 13 at the request of Mr. Kelly.

LEGISLATIVE BILL 957. Title read. Considered.

Mr. Schmit offered the following amendment to the Standing Committee amendment, which was adopted.

Amend the Standing Committee amendment on LB 957 to remove the inconsistency in times between Sections 1 and 2 by striking in Section 1 the terms "Ninety-Days" and "3 Months" and inserting in lieu thereof the terms Sixty Days and Two Months to harmonize the provisions of Section 1 with the provisions of Section 2, and to reflect the intent of the committee.

The Standing Committee amendment found in the Journal on page 752 for the Thirty-third Day was adopted, as amended with 25 ayes, 4 nays and 20 not voting.

Advanced to E & R for Review with 27 ayes, 10 nays and 12 not voting.

LEGISLATIVE BILL 961. Title read. Considered.

Standing Committee amendments found in the Journal on page 753 for the Thirty-third Day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 499. Title read. Considered.

Standing Committee amendments found in the Journal on page 943 for the Fifty-sixth Day (First Session) were rejected.

Mr. Barnett offered the following amendments which were adopted:

1. On page 3, line 19 strike the word "may" and insert the word "shall". On line 19 strike "any approved" and on line 20 strike the words "institution of higher learning in this state," and insert "the State Investment Officer. There will be up to 200 loans made available each fiscal year."

2. On page 4, line 27 strike the words "principal plus interest thereon due shall be reduced" and insert "maker shall receive a state income tax credit" before the word "at".

3. On page 5 add a new section, "Sec. 5 Schools will make deferred payments available to persons utilizing the provisions of Title 38, Chapter 34, Public Law 358 (Viet-Nam GI Bill) to relieve the need for the loan provisions of this bill. No service or handling charge will be charged for this provision by the schools."

4. To add after the word "officer" in line 21 "with amounts appropriated from the General Fund for this specific purpose"

MR. LUEDTKE PRESIDING

Mr. Carpenter offered the following amendments which were adopted:

1. On page 4, line 4, strike "three" and insert "five"; and strike line 5 and insert "date of the loan."

2. On page 4 insert "and" at the end of line 24 and strike beginning with page 4, line 25 through page 5, line 2.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 962. Indefinitely postponed.

LEGISLATIVE BILL 708. Placed on General File as amended.
Standing Committee amendments to LB 708:

1. On page 2, line 10, after the comma insert "with the following categories of expenses each being separately itemized (a) miscellaneous expenses, (b) entertainment, to include expenses for food and drink, (c) lodging expenses, and (d) travel expenses, and"; in line 11, insert "separately itemized which are" after

"amounts"; in line 19, insert "any" after the first "to", and strike "legislators" and insert "~~legislators~~ legislator"; in line 24, insert "a" after "where"; strike "members" and insert "~~members~~ member", and strike "were" and insert "~~were~~ was".

2. On page 3, strike lines 1 through 6 and insert:

"Any association formed principally for lobbying purposes shall submit a list of all individuals contributing money for payment of the expenses of the lobbyist retained or employed by the association. In the event that a lobbyist is employed or retained by any person, corporation, or association formed principally for other than lobbying purposes, only the names of the principal individuals of such corporation or association shall be filed. The filing shall be a part of the statement required to be filed pursuant to the provisions of this section."

3. On page 3, lines 7 and 13 insert "while the Legislature is in session, and quarterly while the Legislature is not in session" after "monthly"; in line 11, strike "The" and insert "The Any member of the"; in line 12, strike "itself" and show as stricken; in line 17, insert "setting forth the name of each lobbyist, each principal, and the total of all amounts received and expended" after "section".

LEGISLATIVE BILL 883. Placed on General File as amended.
Standing Committee amendments to LB 883:

1. Strike original sections 1 to 9 and sections 11 to 15 and insert a new section as follows:

"Sec. 2. That original section 32-530, Revised Statutes Supplement, 1973, is repealed."

2. Renumber original sections 10 and 16 as sections 1 and 3 respectively.

LEGISLATIVE BILL 910. Placed on General File as amended.
Standing Committee amendments to LB 910:

1. On page 2, in lines 14, 17, 22, and 25 after "policy-making" insert ", executive or advisory".

2. On page 3, line 3 after "council," insert "committee,"; in line 4 strike "governing body" and insert "other policy-making, executive or advisory body"; in line 12 after "its" insert "duly constituted,"; strike line 13 and insert "if such closed session is necessary for the clear protection of the public interest or for the prevention of irreparable and needless injury to an individual, if such individual has not requested a public meeting."; strike lines 14 to 21 and insert the following:

"(2) The vote to hold a closed session shall be taken in open session and the vote of each member on the question of holding a closed session, the reason for such closed session, and the time when the closed session commenced and concluded shall be entered in the minutes."; strike lines 22 to 25 and insert:

"(3) No formal action on any matter arising out of a closed session shall be taken in a closed session. Any formal action taken in a closed session shall be void.

(4) Any member of a public agency shall have the right to challenge the continuation of a closed session should such session

exceed the reason stated in the original motion to hold a closed session. Such challenge shall only be over-ruled by two-thirds vote of the duly constituted members of the public agency. Such challenge and its disposition shall be entered in the minutes."

3. On page 4, line 16 strike "all persons" and insert "the news media"; in line 20 after "meeting." strike the remainder of the line; strike line 21 and insert "No formal action by any public agency shall be taken unless such notification has been provided."

4. On page 5, line 15, strike "purposes" and insert "provisions"; in line 16 strike "No" and insert "Any"; in line 18 after "meeting" insert "not"; in line 24 strike "five hundred" and insert "fifty" and after "dollars" insert a period and strike the remainder of the line; and strike lines 25 and 26.

LEGISLATIVE BILL 1022. Placed on General File.

LEGISLATIVE BILL 1032. Placed on General File.

LEGISLATIVE BILL 1043. Placed on General File as amended.
Standing Committee amendment to LB 1043:

1. On page 2, line 5 after "Nebraska" insert "any regulated fuel any part of which is intended for use by or for distribution, sale, or delivery for use by another person or is used, distributed, sold, or delivered for use by another person within the State of Nebraska"; in line 7 after "is" insert "intended"; in line 8 strike "in" and insert "or is used, distributed, sold, or delivered within"; in line 25 strike "and" and insert a comma; and in line 26 after "solvent" insert ", and propane mixed with air by utilities for peak shaving gas production which is further mixed with natural gas for distribution through gas mains".

(Signed) J. James Waldron, Chairman

Public Works

LEGISLATIVE BILL 850. Placed on General File as amended.
Standing Committee amendments to LB 850:

1. On page 2, lines 5 and 6 insert "and infractions" after "violations".

2. On page 4, line 2 insert "and infractions" after "violations", and line 10 insert "or infraction" after "violation".

(Signed) Maurice A. Kremer, Chairman

Education

LEGISLATIVE BILL 810. Placed on General File as amended.
Standing Committee amendments to LB 810:

1. On page 2, line 16, strike the new matter and reinstate the old matter.

2. On page 5, lines 23 and 24 strike the new matter.

3. On page 7, line 5 reinstate the old matter and in line 6 strike the new matter.
4. On page 8, lines 18 and 19 strike the new matter.
5. On page 9, lines 2 and 4 reinstate the old matter and strike the new matter.
6. On page 9, line 14, strike the new matter.
7. On page 10, line 8, strike "twenty-one" and insert "nineteen".
8. On page 10, lines 18 and 19 strike the new matter.
9. On page 11, lines 5 and 8 strike the new matter and reinstate the old matter.
10. On page 11, line 15 reinstate the old matter and in line 16 strike the new matter.

(Signed) Jerome Warner, Chairman

GENERAL FILE

LEGISLATIVE BILL 997. Considered.

MR. SYAS PRESIDING

The Marvel amendments found in the Journal on page 936-937 for the Thirty-eighth Day were adopted.

Mr. Marvel offered the following amendments which were adopted.

- 1) In lieu of the Marvel amendments 13), 14), and 20) to LB 997 printed in the Legislative Journal on page 936:
- 13) On page 3, lines 3 and 4, strike "33,820" and insert "43,820"; line 26, strike "~~2,293,183~~" "2,293,138" and insert "~~2,303,183~~" "2,303,138"; on page 4, line 1, strike "2,493,138" and insert "2,503,138".
- 14) On page 18, lines 12 and 13, strike "~~251,099~~" "267,800" and insert "~~262,880~~" "279,581"; on line 19, strike "~~251,099~~" "267,800" and insert "~~262,880~~" "279,581"; on line 22, strike "~~8,141,946~~" "8,204,287" and insert "~~8,154,236~~" "8,216,068".
- 20) On page 33, line 14, strike "~~289,873~~" "295,171" and insert "~~295,873~~" "301,171"; and on line 17, strike "~~408,951~~" "408,349" and insert "~~409,051~~" "414,349". On page 34, line 11, strike "~~642,526~~" and insert "648,526"; on line 14, strike "~~770,704~~" and insert "776,704".

Mr. Carpenter offered the following amendment which was adopted.

- 1) On page 7, lines 22 and 23, strike "715,010" and insert "975,010".
- 2) On page 8, line 10, strike "847,682" and insert "1,107,682"; on line 13, strike "899,308" and insert "1,159,308".
- 3) On page 7, line 24, insert the following new material:
 "There is included in the amount shown \$260,000 General Funds to begin the following expanded program: The Auditor of Public Accounts is hereby directed to develop the necessary procedures with which to annually perform financial audits of the following

agencies: Department of Education, University of Nebraska, Department of Public Welfare, Department of Revenue, Department of Public Institutions, State Colleges, Vocational-Technical Community Colleges Department of Corrections, Nebraska State Patrol, Game and Parks Commission, Department of Administrative Services, and the Department of Motor Vehicles. The remaining state agencies, boards, and commissions shall also be audited no less than once every two years. Furthermore, the Auditor of Public Accounts shall develop and implement a program of performance auditing, initially selecting those agencies which will provide representative methodology for future applications and thereby to identify the necessary budgetary decisions in the appropriations process."

Mr. Marvel moved the adoption of the white copy (new salary policy) of the bill, request No. 2606. The motion prevailed.

Mr. Carpenter offered the following amendments which were adopted.

- 1) On page 22, line 1, strike "879,577" and insert "979,577"; on line 3, strike "965,077" and insert "1,065,077".
- 2) On page 22, line 18, strike "1,430,636" and insert "1,530,636"; on line 22, strike "2,420,175" and insert "2,520,175".
- 3) On page 21, before line 24, insert the following language: "there is included within the amount shown \$105,000 for organizing, equipping, and maintaining the Nebraska State Guard which amount shall not be expended for any other purpose. There is included within the amount shown \$87,588 for clerical help and to provide for twenty-five percent of the costs of operating and maintaining the Nebraska Air National Guard which amount shall not be expended for any other purpose."

Mr. Carpenter offered the following amendments which were adopted.

- 1) On page 24, line 11, strike "203,372" and insert "500,710".
- 2) On page 24, line 13, strike "420,961" and insert "718,299".
- 3) On page 24, strike lines 7 through 10 and insert:
 "there is included \$200,000 general funds which shall be used for the development of local libraries. The Commission will distribute the grant-in-aid funds using the same criteria as required for the distribution of federal funds.
 There is included \$97,338 general funds which shall be used to expand the regional library service system."
- 4) On page 24, line 16, strike "701,161" and insert "998,499".
- 5) On page 24, line 18, strike "918,750" and insert "1,216,088".

Mr. Carpenter offered the following amendment:

- 1) On page 26, insert before line 23:
 "GENERAL FUND 50,000";
 on line 24, strike "1,132,827" and insert "1,182,827".

2) On page 26, before line 27, insert:

"GENERAL FUND 50,000";

On page 27, line 1, strike "1,132,827" and insert "1,182,827".

Amendment pending.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Wednesday, March 13, 1974 at 1:00 p.m.

RE: City of Lincoln requests corrective legislation for off street parking facilities.

(Signed) Wally Barnett, Vice-Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 917A. By Revenue Committee: Burbach, 19th District, Chairman; Epke, 24th District; C. Carsten, 2nd District; Anderson, 37th District; Rasmussen, 41st District; Keyes, 3rd District; Mahoney, 5th District.

A BILL FOR AN ACT to appropriate three hundred thirty-six thousand five hundred dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Nebraska Natural Resources Commission, Agency No. 55 for Program 044, Departmental Administration, to aid in carrying out the provisions of Legislative Bill 917, Eighty-third Legislature, Second Session, 1974.

UNANIMOUS CONSENT—Print Amendments in Journal

Mr. Barnett asked unanimous consent to print the following proposed amendments to LB 713 in the Journal. No objections. So ordered.

Amendments to LB 713

1. On page 6 after line 6 insert the following new sections:

"Sec. 10. That section 15-755, Revised Statutes Supplement, 1972, be amended to read as follows:

15-755. The Legislature finds that there are hazards to life and property and great inconvenience created by the congested motor vehicle traffic on the streets of the cities of the primary class. The Legislature finds that it is necessary and of general benefit to the State of Nebraska to provide means for such cities to own and finance off-street parking facilities in order to remove or reduce such hazards and inconvenience. The Legislature finds that is necessary ~~to provide for retail and commercial space in off street parking facilities in order to prevent such facilities from detracting from, lessening the safety or value of, or constituting a blight in the area—~~

~~in which the facilities are erected and from lessening the viability of such area to provide pedestrian amenities and to provide for the sound financing of such off-street parking facilities, to provide for the construction of such facilities within the same building or structure in combination with other public uses, to provide for the leasing of retail or commercial concessions incidental to any public purpose or use within such building or structure, and to provide for the leasing of space within any such building or structure which is not otherwise presently needed by such city for a public purpose.~~

Sec. 11. That section 15-758, Revised Statutes Supplement, 1972, be amended to read as follows:

15-758. Each city of the primary class may make and enter into any and all contracts and agreements with any individual, public or private corporation, or agency of this state or of the United States, as may be necessary or incidental to the performance of its duties and the exercise of its powers under the provisions of sections 15-755 to 15-759. In the exercise of this authority, such city may make such contracts and agreements as may be needed for payment of bonds authorized by sections 15-755 to 15-759 and for successful operation of parking facilities, and may lease or grant concessions for use of such off-street parking facilities or various portions thereof to one or more operators to provide for the efficient operation of such facilities, but no lease or concession for operation of such facilities shall run for more than thirty years. In granting any such lease or concession, or in making any contract or agreement for operation of such facilities, such city shall retain such control of such facilities as may be necessary to insure that such facilities will be properly operated in the public interest and that the rates or charges or prices for the use and services thereof are reasonable. ~~Such city may also lease or grant concessions for use of all or portions of the basement, ground and first upper floor of such parking facility for retail or commercial use, which use may but need not be related to the parking of vehicles, if such city finds such leasing or granting of concessions is desirable and feasible in order to provide pedestrian amenities, to prevent adverse effects upon the area in which such facility is erected or to provide for the sound financing and operation of such facility. Such city may also within the same building or structure containing such parking facilities construct or provide space for present or future additional public purposes, construct or provide space and lease the same for retail or commercial concessions incidental to any public purpose or use within such building or structure, and from time to time lease space in such building or structure which may not otherwise be presently needed by such city for a public purpose upon such terms and conditions deemed to be in the best interest of such city.~~

Sec. 12. That original sections 15-755 and 15-758, Revised Statutes Supplement, 1972, are repealed."

2. Renumber original sections 10 and 11 as sections 13 and 14 respectively.

Mr. Syas asked unanimous consent to print the following proposed amendments to LB 649 in the Journal. No objections. So ordered.

Amendments to LB 649

1. On page 2, lines 18 to 21, strike the sentence starting on page 2 with the word "Each" and ending with the period on line 21 and show the old matter as stricken.

2. On page 3, strike lines 11 to 13 and insert "Constitutional Amendment to permit the election of members of the Legislature in such manner as determined by the Legislature."

Mr. Whitney asked unanimous consent to print the following proposed amendments to LB 788 in the Journal. No objections. So ordered.

Amendment to LB 788

On page 3 strike beginning with the comma on line 10 through "79-1051" in line 13 and show the same as stricken.

Mr. Richendifer asked unanimous consent to print the following proposed amendments to LB 997 in the Journal. No objections. So ordered.

Amendments to LB 997

1) On page 40, lines 19 and 20, strike "63,892" and insert "88,892"; on page 42, line 5, strike "1,179,372" and insert "1,204,372"; line 8, strike "1,514,372" and insert "1,539,372".

2) On page 40, after line 18, insert the following paragraph:

"There is included \$25,000 General Funds and any Federal Funds to operate or contract for programs of alcoholic treatment and rehabilitation. Contracts for such programs may be with any non-profit Indian inter-tribal development corporations."

ADJOURNMENT

At 4:05 p.m., on a motion by Mr. Snyder, the Legislature adjourned until 9:00 a.m., Thursday, March 7, 1974.

Vincent D. Brown
Clerk of the Legislature

FORTIETH DAY—MARCH 7, 1974

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 7, 1974

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mr. Whitney presiding.

PRAYER

The prayer was offered by the Chaplain.

Eternal God, our loving Father, may we become more aware of the immediate concerns of our state - the minute problems confronting the various districts and the pleadings of our constituents. But keep ever before this significant body the eternal and all-encompassing goals upon which smaller issues must be measured; to love mercy; to right wrongs; to live for justice, and to serve Thee, our God, and our fellowman as we would serve ourselves. We pray in our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Proud who was excused, Mr. F. Lewis who was excused until he arrives, and Messrs. Cavanaugh and Chambers who were absent.

CORRECTIONS FOR THE JOURNAL

Page 955, in line 5 of the amendment correct spelling of "traffic".
The Journal for the Thirty-ninth Day was approved as corrected.

REPORT OF EMPLOYEES

During the month of February, 1974, there were 155 full and part-time employees being paid from Fund 1025, Program 121, Legislative Session Services. The total payroll for the month was \$61,737.90, of which \$826.76 was overtime. The total figure includes the State's share of OASI and retirement and insurance contributions.

Detailed information is on file in the Accounting and Budgeting office of the Legislative Council.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 625. Placed on Select File as amended.
E & R amendments to LB 625:

1. Renumber original section 1 as section 5 and original section 2 as section 4.
2. In line 1 of the Kime amendment, strike "On" and insert "In committee amendments, on".
3. In the title, line 3, strike "and section" and insert "sections 33-117 and"; strike lines 5 to 7 and insert "and sections 23-1112 and 23-1112.01, Revised Statutes Supplement, 1973, relating to fees and allowances; to increase allowances for mileage and boarding of prisoners; to repeal"; and in line 8 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 679. Placed on Select File as amended.
E & R amendment to LB 679:

1. In the title, line 2, strike "and" and insert a comma, and at the end of the line insert "and 39-727.17,"; in line 4 strike "drunken driving" and insert "the implied consent law"; and in line 5 insert "to reduce the period of revocation for refusing to submit to the test;" after the semicolon.

LEGISLATIVE BILL 815. Placed on Select File as amended.
E & R amendments to LB 815:

1. On page 1, line 9, strike "of".
2. On page 2, line 5, strike the last comma; and in line 22 strike the semicolon and insert a comma.
3. On page 3, line 4, strike "the" and at the end of the line insert "which"; in line 6 strike "such" and insert "which"; and in line 9 strike the comma.
4. On page 4, line 6, insert "or" after the second comma.
5. On page 7, line 7, strike "said" and insert "such"; in line 12 strike the comma; and in line 18 strike the first comma.
6. On page 8, line 3, strike the comma; in line 5 insert a comma after "year"; and in line 24 insert a comma after "state".
7. On page 9, line 12, strike the comma and strike all of line 13 except the period; in line 19 strike "will" and insert "shall", and strike "as to" and insert "that"; in line 20 insert "whether" after "determining"; in line 21 insert "is" after "exhibition" and "are" after "obscene".

8. On page 10, line 8, insert a comma after "obscene"; and in line 12 strike the second comma.

9. On page 11, line 12, strike "of,"; and in line 13 strike the comma and insert "of".

10. On page 12, line 9, strike ", may" and insert "may,"; in line 14 strike "hereafter" and insert "in this section" after "provided"; in line 18 strike "where" and insert "when"; in line 19 strike "said"; and in line 27 strike "against the person to be enjoined".

11. On page 13, line 5, insert "or to destroy or remove the same from the state" after "court"; and in line 18 strike the comma.

12. On page 14, line 6, strike "are" and insert "is"; and in line 26, insert a comma after "officer".

13. On page 16, line 12, strike "then" and insert "and".

14. On page 18, strike ", or" and insert "or," in lines 7 and 9; and in line 19 strike "must" and insert "may".

15. Strike the DeCamp amendment 9.

16. On page 19, insert a comma after "defendant" in line 16, "order" in line 17, and "required" in line 25.

17. On page 20, line 1, strike "said" and insert "such"; in line 8 strike "herein"; and in line 16 insert "or issued" after "enacted".

18. In the title, strike lines 2 to 10 and insert:
 "FOR AN ACT relating to crimes and punishments; to define and prohibit obscene acts as prescribed; to provide penalties; to provide civil remedies; to provide for exclusive regulation; to provide severability; to repeal sections 28-921.01, 28-922, 28-923, and 28-925 to 28-926.08, Reissue Revised Statutes of Nebraska, 1943, and sections 28-921, 28-926.09, and 28-926.10, Revised Statutes Supplement, 1972; and to declare an emergency."

Correctly Engrossed

The following bill was correctly engrossed: 822.

Correctly Enrolled

The following bill was correctly enrolled: 811.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT--Member Excused

Mr. Barnett asked unanimous consent to be excused from 9:30 a.m. until 11:30 a.m. No objections. So ordered.

MOTION--Suspend Rules

Mr. Carpenter moved to suspend the rules to read the Final Reading bills set for tomorrow. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 646. With Emergency.

A BILL FOR AN ACT to amend section 32-307, Reissue Revised Statutes of Nebraska, 1943, relating to the clerk of the district court; to change provisions for election of the clerk and make election permissive in certain counties; to provide for setting of salaries of all county officers; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Barnett	Carpenter	C. Carsten	F. Carstens	Clark
DeCamp	Duis	Fellman	Goodrich	Hasebroock
Johnson	Kennedy	Keyes	Kime	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Anderson	Burbach	Cavanaugh	Chambers	Dickinson
Epke	Fowler	Kelly	F. Lewis	Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 735. With Emergency.

A BILL FOR AN ACT to amend section 24-508, Revised Statutes Supplement, 1972, and section 29-812, Revised Statutes Supplement, 1973, relating to courts; to permit associate county judges to serve counties other than the ones for which they were appointed; to provide for issuance of search warrants by associate county judges; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Clark	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kremer	R. Lewis	Luedtke
Maresh	Marsh	Moylan	Murphy	Nore
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 3:

F. Carstens	DeCamp	Rasmussen
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Not voting, 7:

Cavanaugh	Chambers	Kime	F. Lewis	Mahoney
Marvel	Proud			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 736. Mr. Simpson asked unanimous consent to hold the bill over. No objections. So ordered.

LEGISLATIVE BILL 737. With Emergency.

A BILL FOR AN ACT to amend section 25-1056, Revised Statutes Supplement, 1972, relating to garnishment in aid of execution; to change garnishment procedures as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Clark	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	Chambers	DeCamp	F. Lewis	Proud
Rasmussen				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 738.

A BILL FOR AN ACT to amend section 32-1044, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to provide for filling vacancies in county offices, as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore

Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Cavanaugh	Chambers	F. Lewis	Proud
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 739.

A BILL FOR AN ACT to amend sections 26-112 and 33-123, Revised Statutes Supplement, 1972, relating to fees; to change the fee for matters in county and municipal courts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Clark	DeCamp	Dickinson	Duis
Epke	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
R. Lewis	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	Chambers	Fellman	F. Lewis	Luedtke
Proud				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 742. With Emergency.

A BILL FOR AN ACT to amend section 28-4,117, Revised Statutes Supplement, 1972, relating to the Uniform Controlled Substances Act; to bring schedules in compliance with federal classifications; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Clark	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Burbach	Cavanaugh	Chambers	F. Lewis	R. Lewis
Proud				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MR. SNYDER PRESIDING

LEGISLATIVE BILL 744.

A BILL FOR AN ACT to amend section 28-4,135, Revised Statutes Supplement, 1972, relating to the Uniform Controlled Substances Act; to provide for the destruction of large quantities of substances seized as prescribed; to provide how such substances shall be accepted as evidence; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Goodrich	Hasebroock	Johnson
Kennedy	Keyes	Kime	Kremer	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 1:

Fowler

Not voting, 6:

Cavanaugh	Chambers	Kelly	F. Lewis	R. Lewis
Proud				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 748.

A BILL FOR AN ACT to amend section 28-4,130, Revised Statutes Supplement, 1972, relating to controlled substances; to provide for restitution as an additional penalty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Clark	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Barnett	Cavanaugh	Chambers	F. Lewis	R. Lewis
Proud	Rasmussen			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 828.

A BILL FOR AN ACT to amend sections 29-901, 29-903, and 29-909, Revised Statutes Supplement, 1972, relating to bail and its incidents; to provide conditions for pretrial release of bailable defendants; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Clark	DeCamp	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kremer	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Nore
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Barnett	Cavanaugh	Chambers	Dickinson	Kime
F. Lewis	R. Lewis	Murphy	Proud	Rasmussen
Stahmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 833.

A BILL FOR AN ACT to amend sections 70-719, 70-720, 70-721, and 70-722, Reissue Revised Statutes of Nebraska, 1943, relating to electric cooperative corporations; to provide for the election of alternate directors and to provide in what capacity they shall serve; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Clark	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Mahoney	Marsh	Marvel	Moylan
Murphy	Nore	Rasmussen	Richendifer	Savage
Schmit	Skarda	Snyder	Stromer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 7:

Keyes	Kremer	Luedtke	Maresh	Simpson
Stahmer	Waldron			

Not voting, 8:

Barnett	Cavanaugh	Chambers	Kennedy	Kime
F. Lewis	R. Lewis	Proud		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 855.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to authorize the acquisition of certain real and personal property and the construction and operation of a John G. Neihardt Center; and to make an appropriation.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Burbach	C. Carsten	F. Carstens	Clark
DeCamp	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Barnett	Carpenter	Cavanaugh	Chambers	Kime
F. Lewis	Murphy	Proud	Skarda	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 975.

A BILL FOR AN ACT relating to natural resources; to state legislative intent; to create the Nebraska Resources Development Fund and prescribe its source and use; to create an advisory board; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
DeCamp	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Nore	Rasmussen	Richendifer	Savage
Schmit	Simpson	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Barnett	Cavanaugh	Chambers	Clark	F. Lewis
Murphy	Proud	Skarda		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 975A.

A BILL FOR AN ACT to appropriate twenty thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Nebraska Natural Resources Commission, Agency No. 55 for Program 334, Soil and Water Conservation, to aid in carrying out the provisions of

Legislative Bill 975, Eighty-third Legislature, Second Session, 1974.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
DeCamp	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Nore	Proud	Richendifer	Savage
Schmit	Simpson	Snyder	Stahmer	Stromer
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Barnett	Cavanaugh	Chambers	Clark	F. Lewis
Murphy	Proud	Skarda	Waldron	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 722. With Emergency.

A BILL FOR AN ACT to amend section 29-2215, Revised Statutes Supplement, 1972, relating to criminal procedure; to provide that the Nebraska Probation Administration Act shall be applicable to the municipal court; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Clark	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Kelly
Kennedy	Keyes	Kime	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Rasmussen	Richendifer

Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Barnett	Cavanaugh	Chambers	Johnson	F. Lewis
Proud	Waldron			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 747.

A BILL FOR AN ACT to amend section 28-4, 125, Revised Statutes Supplement, 1973, relating to controlled substances; to make it unlawful to deliver or dispense a substance represented to be a controlled substance but which is not such a substance; to provide for penalties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
DeCamp	Dickinson	Duis	Epke	Fellman
Goodrich	Hasebroock	Johnson	Kennedy	Keyes
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Warner	Wiltse		

Voting in the negative, 1:

Fowler

Not voting, 10:

Barnett	Cavanaugh	Chambers	Clark	Kelly
F. Lewis	Murphy	Proud	Waldron	Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 794. With Emergency.

A BILL FOR AN ACT to amend section 81-815.26, Reissue Revised Statutes of Nebraska, 1943, relating to the state park system; to provide legislative consent for acquisition of property; to advance the date for acquisition of property as prescribed; to eliminate obsolete material; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Clark	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Snyder	Stahmer
Stromer	Stull	Syas	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Barnett	Cavanaugh	Chambers	Kime	F. Lewis
Proud	Skarda	Waldron	Warner	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

ATTORNEY GENERAL'S OPINION

Opinion No. 151
March 5, 1974

Dear Senator Waldron:

You have asked us for our opinion as to the constitutional validity of L. B. 613. This bill amends Section 77-202.12 and Section 77-202.13, R. S. Supp., 1973, by increasing the allowable income for a claimant for the over 65, low income homestead exemption, and by increasing the percentage of allowable exemption from 90 percent of the specified dollar limitations to 100 percent of such limitations.

The homestead exemption involved is authorized by Article VIII, Section 2 of the Nebraska Constitution, which provides in part:

“* * *. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation.”

The first question we must determine is whether the increase of the percentage from 90 to 100 percent of the limited dollar amount of the exemption conflicts with the constitutional authorization. There is no doubt, of course, that this will result in the total exemption of the homesteads of qualified claimants where the actual value of the homestead does not exceed \$15,000. Does the authorization of an exemption of “a portion” of the value of the homestead also authorize an exemption of the entire homestead?

Admittedly, the word “portion” ordinarily carries a connotation of being less than the whole, and an argument can be made that the constitutional provision does not authorize an exemption of an entire homestead. However, in *Anderson v. Tiemann*, 182 Neb. 393, 155 N. W. 2d 322, the court said:

“Constitutional provisions should receive even broader and more liberal construction than statutes, and constitutions are not subject to rules of strict construction.”

Applying this rule of construction, we believe that the “portion” of a homestead to be exempted can be a fixed dollar limitation, and that a percentage or fractional portion is not necessarily required. If this limitation happens to exceed the total actual value of the homestead, this is simply a fortuitous circumstance, and does not, in our opinion, invalidate the statutory provision.

We are particularly inclined to take this view because there is no limitation on the size of the “portion” that can be exempted, and, if we were to say that no homestead could be totally exempted, the Legislature could achieve substantially the same result by exempting 99 and 9/10 percent of the value. Under these circumstances, it would appear to be an exercise in futility for us, or for the courts, to construe the word “portion” as necessarily meaning less than the whole.

There does appear to be one problem with the bill, in that it cannot accomplish all that it seems to be trying to do. It amends Section 77-202.13 to increase, in 1973, the allowable exemption from 90 to 100 percent of the first \$7,500 of actual value of the homestead. The taxes for 1973 have already been levied and assessed. They have become liens on the real estate. L. B. 713 will not become law until three months after the adjournment of the Legislature, so most of the 1973 taxes will have been paid before the bill becomes effective. If this were construed as an attempt to retroactively create an exemption of the 10 percent of the value which was not exempt in 1973, it would probably be held to violate Article VIII, Section 4 of the Constitution, which forbids the release or commutation of taxes.

We do not, however, consider this so much as a constitutional violation as an attempt to do something after the time has passed within which it can be done. Regardless of how it is described, the increase in the percentage of exemption for 1973, and the increase in the allowable income for 1973 claimants cannot be given effect. The exempt status, and the size of the exemption, were determinable at the time of levy, as was held by American Province of the Servants of Mary Real Estate Corporation v. County of Douglas, 147 Neb. 485, 23 N. W. 2d 714. At this date, it is too late to alter that status, or increase the exemption.

We do not, however, believe that the invalidity of the attempt to alter the 1973 exemption operates to defeat the entire bill. In *Torn & Jerry, Inc., v. Nebraska Liquor Control Commission*, 183 Neb. 410, 160 N. W. 2d 232, the court said:

"The applicable rule is: 'Where it appears that unconstitutional portions of an act can be separated from the valid portions and the latter enforced independent of the former, and it further appears that the invalid portions did not constitute such an inducement to the passage of the valid parts that they would not have been passed without them, the former may be rejected and the latter upheld.' *Safeway Stores, Inc. v. Nebraska Liquor Control Commission*, *supra*.

"There was no severability clause in the act before us. But a severability clause is merely an aid to construction and not an inexorable command. A severability clause in a statute is not a condition precedent to a determination of the question of severability. *Hubbell Bank v. Bryan*, 124 Neb. 51, 245 N. W. 20, 289 U. S. 753, 53 S. Ct. 785, 77 L. Ed. 1498; *Safeway stores, Inc. v. Nebraska Liquor Control Commission*, *supra*."

There is, of course, no problem in enforcing the valid portion of the statute without depending on the invalid portion, and we have no reason to believe that the invalid portion was an inducement to the passage of the valid portion. We therefore believe that the increased exemption and the increased income eligibility provisions of the bill can be given effect for 1974 and subsequent years, assuming, of course, that the Legislature adjourns soon enough that the effective date of the bill is before the levy of the 1974 taxes.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ct

cc: Vincent D. Brown

UNANIMOUS CONSENT—Member Excused

Mr. Dickinson asked unanimous consent to be excused Friday morning, March 8. No objections. So ordered.

Mr. F. Carstens asked unanimous consent to be excused Friday morning, March 15. No objections. So ordered.

EXPLANATION OF VOTE

If I would have been present, I would have voted for 722, 747, 748, 790, 794, 828, 833, 855, 975 and 975A.

(Signed) Wally Barnett

**NOTICE OF COMMITTEE HEARING
Committee on Committees**

March 5, 1974

The Committee on Committees will meet at 8:00 AM, Tuesday, March 19, 1974, in the East Lounge, Room 2230, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Daniel C. Ramsey - State Highway Commission

Robert B. Kramer - Motor Vehicle Industry Licensing Board

Dale F. Sailors - Motor Vehicle Industry Licensing Board

Marvin E. Jewell - Public Employees Retirement Board

Howard L. Burdick - Public Employees Retirement Board

Donald W. Droud - Motor Vehicle Industry Licensing Board

(Signed) Ramey C. Whitney, Chairman

SELECT FILE

LEGISLATIVE BILL 984. E & R amendments found in the Journal on page 957 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 293. E & R amendment found in the Journal on page 951 for the Thirty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 983. E & R amendments found in the Journal on page 951 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 660. E & R amendments found in the Journal on page 952 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 960. E & R amendments found in the Journal on page 952 for the Thirty-ninth Day were adopted.

Laid over at the request of Mr. Fowler.

LEGISLATIVE BILL 602. E & R amendments found in the Journal on page 953 for the Thirty-ninth Day were adopted.

Bracketed until March 11 at the request of Mrs. Marsh.

LEGISLATIVE BILL 821. E & R amendments found in the Journal on page 953 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 788 to Select File

Mr. Whitney moved to return LB 788 to Select File for the specific amendment found in the Journal on page 971 for the Thirty-ninth Day. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 788. The Whitney specific amendment found in the Journal on page 971 for the Thirty-ninth Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Bracket LB 805

Mr. Kremer asked unanimous consent to bracket LB 805 on E & R for Engrossment. No objections. So ordered.

MOTION—Place LB 803 on General File

Mr. Carpenter moved to place LB 803 on General File notwithstanding the Committee action. Motion pending. Laid over.

GENERAL FILE

LEGISLATIVE BILL 354. Title read. Considered.

The Luedtke amendment found in the Journal on page 531 for the Twenty-fourth Day was adopted.

The Luedtke amendments found in the Journal on page 940 for the Thirty-eighth Day were adopted.

The Standing Committee amendments referred to in the Journal on page 513 for the Twenty-second Day were adopted.

Mr. DeCamp moved to add the following names of the Judiciary Committee to LB 354. Messrs. Stull, Barnett, Carpenter, Chambers, DeCamp, Fellman and Richendifer. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Laid over.

ANNOUNCEMENT

Mr. Stull announced the Nebraska Transportation Advisory Committee will meet in Room 2102 at 1:00 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 723. Replaced on Select File as amended. E & R amendments to LB 723:

1. On page 2, strike lines 23 and 24 and insert "or the probation officer."

2. On page 3, line 22, strike "Division of Corrections" and insert "~~Division of Corrections~~ Department of Correctional Services".

3. In the title, line 6, strike "may request" and insert "shall require".

LEGISLATIVE BILL 733. Replaced on Select File as amended. E & R amendments to LB 733:

1. In line 1 of section 4 as amended, strike "Where" and insert "When".

2. In the title, line 12, strike the comma and insert a semicolon.

LEGISLATIVE BILL 972. Replaced on Select File as amended.
E & R amendments to LB 972:

1. In section 1, line 6, strike "facilities" and insert "services".
2. Insert the emergency clause as section 2.
3. In the title, line 5, strike "and" and insert "; and to declare an emergency" after "notice".

LEGISLATIVE BILL 826. Replaced on Select File as amended.
E & R amendments to LB 826:

1. Because of E & R 1, adopted 3/5, strike the DeCamp amendment to page 7, line 2.
2. In the title, insert "to extend provisions to include modular homes;" at the end of line 7.

LEGISLATIVE BILL 991. Replaced on Select File as amended.
E & R amendment to LB 991:

1. On page 2, line 8, strike ", such" and insert ". Such".

LEGISLATIVE BILL 909. Replaced on Select File as amended.
E & R amendment to LB 909:

1. On page 5, line 26, insert "(a)" before "The".

LEGISLATIVE BILL 824. Replaced on Select File as amended.
E & R amendments to LB 824:

1. In new section 3, line 2, strike the comma; in line 9 strike "the"; and in line 10 insert "exercise of any" after "or".
2. In the title, strike lines 2 to 4 and insert:
"FOR AN ACT relating to local government; to authorize any unit of local government to receive and use revenue-sharing and other funds as prescribed; to provide for interpretation; to provide powers; and to".

LEGISLATIVE BILL 911. Replaced on Select File as amended.
E & R amendments to LB 911:

1. On page 2, line 7, strike "This program" and insert "The program established by section 1 of this act"; in line 8 strike "and" and strike line 9 and insert ". The board shall adopt"; in line 11 strike "to"; strike line 13 and insert "optometry, as provided in section 71-1,136, Reissue Revised Statutes of Nebraska, 1943, for the".

2. In the title, lines 2 and 3 strike “a financial” and insert “an education”; and in line 6, insert “to make an appropriation,” after the semicolon.

LEGISLATIVE BILL 886. Replaced on Select File as amended. E & R amendment to LB 886:

1. On page 2, line 9, strike the period and insert a semicolon as in the statutes.

LEGISLATIVE BILL 832. Replaced on Select File as amended. E & R amendments to LB 832:

1. On page 2, line 4, strike “, (1) to” and insert “to (1)”; in line 7 strike “to”; in line 9 strike “providing that” and insert “but”; and in line 19 strike “same” and “as”.

2. In the title, line 2, strike “Supreme Court” and insert “courts”.

LEGISLATIVE BILL 1015. Placed on Select File as amended. E & R amendments to LB 1015:

1. On page 3, line 18, insert an underscored comma after “process” and after “time” insert “the suit may be heard or tried and”; and in line 21 strike “dissolving a marriage”.

2. On page 4, line 11, insert “(1)” after the period and supply paragraphing; in lines 13 and 14, strike “the following:

(1) The” and insert “the”; and in line 24 strike “child,” and insert “children.”.

3. On page 5, line 3, strike “; and” and insert an underscored period; and at the end of line 20 insert “contributions to the”.

4. In lieu of the Kelly amendment, on page 5, at the end of line 12, insert: “The clerk of the district, county, or separate juvenile court shall maintain a record, separate from all other judgment dockets, of all decrees in which the payment of child support has been ordered.”.

5. On page 6, line 3, strike “where” and insert “where when”; in lines 9 and 25 strike “where” and insert “when”; in line 12 strike “hereinafter” and before the comma insert “in sections 6 to 17 of this act”; in line 15, strike “the following”, and after “sections” insert “7 to 17 of this act”; in line 17 insert an underscored comma after “withhold”; in line 19 strike “which” and insert “as”; and in line 26 strike “this” and insert “such”.

6. On page 7, line 1, strike "at" and insert ", on"; insert an underscored comma after "with-held" in line 9, "section" in line 10, and "application" in line 25; in line 14 strike "this" and insert "the"; and in line 16 strike "herein" and insert "in such proceeding".

7. On page 8, line 1, strike ", and to then" and insert "and to"; and in line 20 strike "will" and insert "shall".

8. On page 9, line 10, strike "to" and insert "in"; and in lines 12 and 13 strike "placing in the United States mail, certified and" and insert "mailing, by certified mail,".

9. On page 11, line 16, strike the comma; in line 19 strike "these provisions" and insert "sections 6 to 17 of this act"; and in line 27 strike "as against" and insert "over".

10. On page 12, line 18, insert "sections 6 to 17 of" after "of".

11. On page 14, insert an underscored comma at the end of line 5; in line 8 strike "this" and insert "any"; in line 10 strike "this" and insert "such"; and in line 21 insert an underscored comma after "actions".

12. In the title, line 10, strike "garnishment" and insert "prescribed".

LEGISLATIVE BILL 995. Placed on Select File as amended. E & R amendments to LB 995:

1. In committee amendment 1, line 2, strike "counties" and insert "any county".

2. On page 3, line 2, strike the comma; in line 16 strike "will" and insert "shall"; and in line 25 strike "county" and insert the same at the end of the line.

3. On page 4, line 2, strike the comma and insert "and"; in lines 5 and 9 strike "county" and insert the same after "of"; in line 16 insert "in the unclassified service" after "positions"; in line 19 strike "county" and insert the same at the end of the line; in line 21 strike "the" and insert "such"; and in line 23 strike "hereinafter enumerated" and insert "provided in this act".

4. In lieu of committee amendment 2, on page 4, line 10, strike "and"; in line 13 strike the period and insert "; and"; and after line 13 insert:
 "(9) Deputy sheriffs."

5. On page 5, line 1, insert "personnel policy" after "the"; in line 3 insert "who" after "and"; in line 4 strike "who"; in line 10 strike "county" and insert the

same after "of"; in line 18 strike "first" and strike line 19 and insert "shall initially appoint members for terms of one and five years."; in lines 20 and 21 strike "first appointments shall be for" and insert "shall initially appoint members for terms of"; in line 21 insert "The classified employees who are covered by the county personnel system shall initially appoint a member for a term of three years." after the period; and in line 23 insert "any" after "that".

6. On page 7, line 2, strike the comma; and in line 19 strike "county" and insert the same after "of".

7. On page 8, line 8, strike the first comma.

8. In committee amendment 4, line 2, strike the semicolon and insert a comma.

9. On page 9, lines 5 and 6, strike ", and may be amended," and insert "or amendment and adoption"; in line 6 strike "county" and insert the same at the end of the line; in line 15 insert "that" after "so"; and in line 26 strike the period and insert a semicolon.

10. On page 10, line 11, strike "of service"; in line 13 strike "some" and insert "the"; in line 14 strike "the", and insert "shall" after the second "and"; in line 15 strike "limits" and insert "limit"; strike the in line 21; and strike line 27 and insert "job-related examining techniques, such".

11. On page 11, line 6, insert "the" after "in"; and in line 14 strike "in" and insert "to" and strike the comma.

12. On page 12, insert a comma after "separated" in line 14 and "thereto" in line 19; in line 18 strike ", if" and insert "if,"; in line 19 insert "has" after "authority"; in line 22 strike the comma; in line 24 strike "will" and insert "shall"; and in line 25 strike "comparable position" and insert "position comparable to that held immediately prior to promotion".

13. On page 13, line 2, strike "but" and insert "of"; in line 8 strike the period and insert a semicolon; in line 20 strike "and"; and in line 21 insert "and" after the comma.

14. On page 14, line 22 strike the comma; and in line 26 strike the comma and insert "and".

15. On page 15, lines 4 and 9, strike the comma; in line 7 insert a comma after "agent"; in line 13 strike "one" and insert "any"; in line 15 insert "that" after "and"; in line 18 strike ". In the latter case," and insert ", in which case"; and in lines 22 and 23 strike "The county is authorized and empowered to" and insert "Any county subject to this act may".

16. On page 16, line 2, strike "county" and insert the same after the second "of"; in line 10, strike "this" and insert "his"; strike line 21 and insert "to all applicants"; and in line 25 insert a comma after "and".

17. On page 17, lines 1 and 2, strike "to" and insert "for".

18. On page 19, line 4, strike "office of personnel" and insert "personnel office"; in line 17 strike "provisions" and insert "practices"; in line 22 strike "hereunder" and insert "under this act"; at the end of line 22 insert "shall,"; and in line 23 strike "shall".

LEGISLATIVE BILL 826A. Placed on Select File.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS

Miscellaneous Subject

LEGISLATIVE BILL 945. Placed on General File as amended.

Standing Committee amendments to LB 945:

1. Strike sections 1 to 5 and insert the following:

"Section 1. The State of Nebraska is hereby empowered to enter into a lease or sublease, as lessor or sublessor, with any public body corporate or any political subdivision of the State of Nebraska relating to any building or other facility which is or has been the subject of an agreement pursuant to the provisions of section 72-1405, Reissue Revised Statutes of Nebraska, 1943.

Sec. 2. Any agreement entered into between the state and a municipality pursuant to the provisions of sections 72-1401 to 72-1408, Reissue Revised Statutes of Nebraska, 1943, may provide for the following:

(1) The subleasing by the State of Nebraska to any public body corporate or political subdivision of the State of Nebraska of a portion of the space in the building or other facility with respect to which the agreement has been made; and

(2) The leasing by such municipality to any public body corporate or political subdivision of the State of Nebraska of a portion of the space in the building or other facility with respect to which the agreement has been made.

Sec. 3. Any municipality is hereby empowered to enter into a lease, as lessor, with any public body corporate or political subdivision of the State of Nebraska relating to any building or other facility which is the subject of an agreement pursuant to the provisions of section 72-1405, Reissue Revised Statutes of Nebraska, 1943.

Sec. 4. Any public body corporate or political subdivision of the State of Nebraska is hereby empowered to enter into a lease or sublease, as lessee or sublessee, with the State of Nebraska or any municipality relating to any building or other facility which is or has been the subject of an agreement pursuant to the provisions of section 72-1405, Reissue Revised Statutes of Nebraska, 1943.

Sec. 5. The State Building Commission shall cause plans, working drawings, and specifications to be prepared for building a state office building ready for tenant improvements and for providing related parking facilities for motor vehicles and other services incidental thereto, to be located within the city of Omaha, Nebraska, at such location as shall be selected by the State Building Commission, but which shall be within the area in the city of Omaha bounded on the west by 20th Street, on the south by Leavenworth Street, on the north by Dodge Street and on the east by 16th Street. The commission may employ a director, architects, and draftsmen for the preparation of such plans, working drawings, and specifications, and may contract in the name of the State of Nebraska for the securing of the services of such persons. The commission shall adopt plans to provide sufficient office space for the state beyond 1984. Such plans for space shall be made on the basis of the growth history and the projected needs of each agency which is designated to occupy such building. Subsequently the commission shall provide for subdivision improvements of the net usable space into offices for such state agencies as shall be designated as occupants of such building by the commission and the Legislature. The source of funds to defray the cost of such building and facilities shall be the State Office Building at Omaha Fund which is hereby created and disbursements shall be made from such fund for such building and facilities as the Legislature shall from time to time provide. The cost of construction, including site acquisition and preparation, but excluding interest on indebtedness, of space and other facilities to be occupied and used by the State of Nebraska in such building and facilities, shall not exceed eight million dollars, plus the amount of investment income received by the State Office Building at Omaha Fund and by any of the bond or reserve funds established in connection with the city of Omaha bond issue used to finance such building and facilities.

Sec. 6. The State Building Commission is authorized to enter into an agreement with the city of Omaha, Nebraska, pursuant to the provisions of sections 72-1401 to 72-1408, providing for the supplying by the city of Omaha to the State of Nebraska of a state office building, parking facilities and other services incidental thereto as provided in section 1 of this act.

Sec. 7. Any money in the State Office Building at Omaha Fund available for investment shall be invested by the state investment officer pursuant to the provisions of the Nebraska State Funds Investment Act.

Sec. 8. The proceeds of the State Office Building at Omaha Fund created by the provisions of section 1 of this act shall be expended by the State Building Commission, as and when appropriated by the Legislature, for the costs and payments to be made by the State of Nebraska to the City of Omaha for the use by the state of such building or facility or portion thereof, as described in section 1 of this act and equipping such building or facility.

Sec. 9. That section 77-2601, Revised Statutes Supplement, 1973, be amended to read as follows:

77-2602. Every person, engaged in distributing or selling cigarettes at wholesale in this state, shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On all cigarettes thirteen cents per package containing not more than twenty cigarettes, and on packages containing more than twenty cigarettes a tax of thirteen cents for the first twenty cigarettes and thirteen cents for each twenty cigarettes or fractional part thereof in excess of twenty cigarettes. The proceeds of eight cents of such tax shall be placed in the General Fund and the proceeds of the remaining five cents of such tax shall be distributed in the following order:

First, in each fiscal year beginning with the fiscal year commencing July 1, 1972, there shall be first transferred to the University of Nebraska at Lincoln Field House Fund, which is hereby created, the sum of two million four hundred thousand dollars, and the money in such fund shall be used to make the annual payments on the lease of the field house building constructed pursuant to the provisions of section 85-1,100. All money in such fund is hereby appropriated for the fiscal year ending June 30, 1973, for the purposes stated in this subdivision;

Second, for the fiscal year beginning July 1, 1972, there shall be placed in a special fund to be known as the State Board of Agriculture Improvement Fund the sum of one million two hundred thousand dollars and for the fiscal year beginning July 1, 1973, there shall be placed in such fund the additional sum of one million two hundred thousand dollars, which fund is hereby created and which shall be used by the State Board of Agriculture to pay its costs resulting from the construction of the University of Nebraska at Lincoln Field House and the use of related parking facilities for such field house. All money in the State Board of Agriculture Improvement Fund is hereby appropriated for the fiscal year ending June 30, 1973, for the purpose stated in this subdivision;

Third, there shall be placed in the State Office Building Fund the sum of one million two hundred thousand dollars each year for fiscal years 1974-75, 1975-76, 1976-77, and 1977-78 and three million six hundred thousand dollars for each fiscal year beginning with 1978-79 through 1983-84. Such amounts are hereby appropriated and unexpended balances existing in such fund at the end of each fiscal year through June 30, 1984, are hereby reappropriated; and

Fourth, there shall be placed in the State Office Building at Omaha Fund the sum of nine hundred sixty thousand dollars each year for fiscal years 1975-76 through 1983-84 and two million two hundred forty thousand dollars for fiscal year 1984-85. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1985, are hereby reappropriated; and

~~Fourth-Fifth~~, the balance of such proceeds shall be placed in a special fund to be known as the State of Nebraska Capital Construction Fund and disbursements from such fund shall be as the Legislature shall from time to time provide.

2. On page 6, renumber original sections 6 and 7 as 10 and 11 respectively.

(Signed) J. James Waldron, Chairman

Administrative Rules

Pursuant to Legislative Resolution 112 introduced by Senator J. James Waldron on February 1, 1974, the Nebraska Liquor Control Commission has repealed Rule 49, "Automatic Dispensers" effective February 28, 1974.

(Signed) Herbert J. Duis, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Snyder and Mr. Marvel asked unanimous consent to be excused this afternoon. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 121.

Introduced by Burbach, 19th District; Syas, 13th District.

WHEREAS, certain real property known as Niobrara State Park, administered by the Nebraska Game and Parks Commission, located in the County of Knox, State of Nebraska, has suffered periodic flooding as a result of aggradation and rise in the water table caused by Lewis and Clark Reservoir; and,

WHEREAS, this fact has created critical problems in operation of the lands and facilities as a state park and decreased the utility and public benefits; and,

WHEREAS, Section 213 of the Flood Control Act of 1970, Public Law 91-611, 91st Congress, authorized the United States Army Corps of Engineers to resolve the seepage and drainage problem in the vicinity of the town of Niobrara, Nebraska, including Niobrara State Park; and,

WHEREAS, the Nebraska Game and Parks Commission endorses the selection of a new site as a replacement for Niobrara State Park based upon due and proper funding by the United States Army Corps of Engineers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That an interim study be undertaken by the Constitutional Revision and Recreation Committee of alternative sites for replacement of Niobrara State Park.

2. That the Nebraska Game and Parks Commission proceed with negotiation with the United States Army Corps of Engineers for replacement of Niobrara State Park and to effect any and all acts within their statutory authority to effect such replacement in the interest of the State of Nebraska.
3. That the committee at the conclusion of its study make a report to the Legislature of its findings and make such recommendations as it deems appropriate.

Referred to Executive Board.

ANNOUNCEMENT

Mr. Luedtke announced the executive session of the Judiciary Committee has been cancelled for 1:00 p.m. today.

RECESS

At 11:59 a.m., on a motion by Mr. F. Carstens, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:02 p.m., Mr. Whitney presiding.

ROLL CALL

The roll was called and all members were present except Messrs. F. Lewis, Marvel, Snyder and Proud who were excused and Mr. Chambers who was absent.

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 816. Indefinitely postponed.

LEGISLATIVE BILL 939. Indefinitely postponed.

(Signed) Thomas Kennedy, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title.

LEGISLATIVE BILL 983A. By Carpenter, 48th District.

A BILL FOR AN ACT to appropriate five hundred thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to

the Military Department, Agency No. 31, for Program 554, National and State Guard and General Support, to aid in carrying out the provisions of Legislative Bill 983, Eighty-third Legislature, Second Session, 1974.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 799. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

GENERAL FILE

LEGISLATIVE BILL 354. Considered.

Mr. F. Carstens offered the following amendment:

1. Section 314, line 12 strike "5" and insert "7".

MR. DICKINSON PRESIDING

The F. Carstens amendment was adopted with 33 ayes, 2 nays and 14 not voting.

Mr. Carpenter moved to indefinitely postpone.

The motion lost with 13 ayes, 24 nays and 12 not voting.

Mr. Luedtke moved to advance LB 354 to E & R for Review.

Mr. Luedtke moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay and 27 not voting.

The Call showed 42 members present.

Mr. Luedtke moved the Call be raised. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

MR. WHITNEY PRESIDING

Advanced to E & R for Review with 25 ayes, 9 nays and 15 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to consider LB 1028A, LB 790A, LB 865A and LB 983A on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1028A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 790A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 865A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 983A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 755. Title read. Considered.

Mr. F. Carstens offered the following amendments which were adopted.
Amend L.B. 755 as follows:

1. At Sec. 2, page 4, lines 24, 25 and 26 strike the new language.
2. At Sec. 3, page 5, lines 25, 26 and 27 strike the new language; and at line 4, page 6 strike the word "combined"
3. At Sec. 6, page 8, strike the new language and reinstate the stricken matter.
4. At Sec. 10, page 12, at lines 2 and 3 reinstate the stricken matter and at lines 3, 4 and 5 strike the new language.

Advanced to E & R for Review with 27 ayes, 3 nays and 19 not voting.

LEGISLATIVE BILL 782. Title read. Considered.

The Fellman amendments to the Standing Committee amendment found in the Journal on page 879 for the Thirty-sixth Day were adopted.

The Standing Committee amendment found in the Journal on page 653 for the Twenty-ninth Day was adopted, as amended.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review
Correctly Engrossed

The following bills were correctly engrossed: 784, 796, 893, 922 and 924.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Bracket LB 932-933

Mr. Fellman asked unanimous consent to consider LB 932 and LB 933 on General File for Monday, March 18. No objections. So ordered.

UNANIMOUS CONSENT—Salary Bills on General File

Mr. Carpenter asked unanimous consent to consider all salary bills at the time the first one is considered on General File. No objections. So ordered.

UNANIMOUS CONSENT—Expedite LB 354 and LB 755

Mr. Carpenter asked unanimous consent to expedite LB 354 and LB 755 in that order. No objections. So ordered.

MOTION—Call of House

Mr. Carpenter moved for a Call of the House on attendance. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Call showed 42 members present.

Mr. Hasebroock moved the Call be raised. The motion prevailed with 17 ayes, 2 nays and 30 not voting.

MOTION—Suspend Rules

Mr. Schmit moved to suspend the rules to place LB 802 on General File notwithstanding the committee action. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

MOTION—Place LB 802 on General File

Mr. Schmit moved to place LB 802 on General File notwithstanding the Committee action. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

MOTION—Return LB 892 to Committee

Mr. Goodrich moved to return LB 892 to the Telecommunications Committee.

The motion prevailed with 27 ayes, 4 nays and 18 not voting.

ANNOUNCEMENT

Mr. Schmit announced an executive session of Agriculture and Environment Committee at 8:00 a.m., Friday morning.

UNANIMOUS CONSENT—Members Excused

Mr. Stahmer asked unanimous consent to be excused Monday, March 11, until arrival. No objections. So ordered.

Mr. Waldron asked unanimous consent to be excused Friday, March 8. No objections. So ordered.

Mr. Anderson asked unanimous consent to be excused Friday, March 8 after 11:00 a.m. No objections. So ordered.

MOTION—Return LB 984 to Select File

Mr. Warner moved to return LB 984 to Select File for the following specific amendment:

1. On section 4, line 5, strike "by" and insert "by to"; in line 10 strike "Cost of Living" and insert "Cost of Living Consumer Price"; in line 20 strike "multiplied" and insert "multiplied increased"; in line 29 strike "that" and insert "that to which"; and in line 30 strike "79-4,160" and insert "79-4,160-79-4,161".

2. In the Warner amendment 3 to section 2, strike "26" and insert "27".

3. In section 6, line 12, strike "as" and insert "are" as in the statutes.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 984. The Warner specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Unbracket LB 689

Mr. Skarda asked unanimous consent to unbracket LB 689 on E & R Final. No objections. So ordered.

VISITORS

Mr. Whitney introduced two high school students, Dafna Popvici and Joseph Lichnstein visiting from Israel; 29 senior students and their teacher from Leigh High School, Leigh, Nebraska; twelve Extension Board members and their County Agent from Washington County; 40 Fourth grade students and their teachers from Cathedral School, Lincoln, Nebraska; 12 Senior students and their teachers from Northwest High School in Grand Island, Nebraska; and 27 members from the Extension Club in Webster County.

ADJOURNMENT

At 4:02 p.m., on a motion by Mr. Stahmer, the Legislature adjourned until 9:00 a.m., Friday, March 8, 1974.

Vincent D. Brown
Clerk of the Legislature

FORTY-FIRST DAY—MARCH 8, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 8, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., Mr. Whitney presiding.

PRAYER

The prayer was offered by the Chaplain.

Our Father, in the abundance of Thy loving kindness, reverently we come into Thy presence. Before we talk to one another about our homes, our State, and our problems, we would listen for Thy voice, as with silent hearts we wait for Thy Word. Thou art light for life's meanings, Thou art wisdom for life's questions. Thou art strength for life's duties. Thou art courage for life's unknown ways.

Each new day is a white page for us not only in the journal of the State, but in the book of destiny, if we but take it from Thy hand as trustees of Thy unfolding purpose. May we follow the gleam of the highest and best we know, as long as our strength and opportunity last. Then may we hear Thy benediction, "Well done, thou good and faithful servant; enter thou into the joy of Thy Lord." Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Dickinson, F. Lewis, Proud and Waldron who were excused; Mr. Fellman who was excused until he arrives; Mr. Fowler who was absent until 9:15 a.m. and Mr. Chambers who was absent until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

Page 989, line 9, insert "(Signed) Wally Barnett".
The Journal for the Fortieth Day was approved as corrected.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached list is a list of all lobbyists who have registered as of March 7, 1974. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Crosby, Robert B. — Lincoln, Nebraska Hospital Association, North
Platte Trust Company

Topil, Robert L. — Lincoln, Local 644, IAFF

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 721. Replaced on Select File as amended.
E & R amendments to LB 721:

1. Renumber original sections 2 and 3 as sections 6 and 7.
2. In section 1, strike beginning with "in" in line 15 through the first "Banking" in line 17 and insert the same after "hearing" in line 19; in line 17 strike ", then" and strike "will" and insert "shall".
3. In lieu of the Carpenter amendment thereto, in section 2, line 20, strike the new matter and reinstate the stricken matter; in line 20 strike the reinstated "two" and insert "two one"; in line 23 insert "one" after "two".
4. In the Carpenter amendment adding section 5, strike lines 1 to 3; in line 4 insert "Sec. 5." before "(1)", supplying paragraphing to the subsections; in lines 4 and 11 strike "director" and insert "Director of Banking"; in lines 6 and 16 strike "this act" and insert "sections 8-1101 to 8-1124"; in lines 7 and 13, strike "the director" and insert "he"; in lines 17 and 18 strike "subdivisions" and insert "subsection"; in line 21 strike ", such hearing to be held"; in line 22 strike "for hearing"; and strike line 24 and insert "the order".
5. In the Carpenter amendment 5, line 2, strike the last comma.
6. In the title, strike lines 2 to 6 and amendments thereto and insert:
"FOR AN ACT to amend sections 8-115.01, 8-124, 8-140, and 8-815, Revised Statutes Supplement, 1973, relating to banks and banking; to provide for hearings on charter applications without notice;

to reduce the frequency of required examinations;
to change the maximum loan that may be made
to an active officer or employee; to permit
personal loans by cooperative credit associations;
to provide for orders and hearings under the
Securities Act of Nebraska; to repeal the original";
and in line 7 strike "section" and insert "sections".

LEGISLATIVE BILL 949. Replaced on Select File as amended.
E & R amendments to LB 949.

1. On page 4, line 6, strike the second
"of" as in the statutes.
2. In the title, line 2, strike the first
comma.

LEGISLATIVE BILL 1024. Replaced on Select File as amended.
E & R amendments to LB 1024:

1. In the Epke amendment, line 3, insert an
underscored comma after "council" and strike the comma
after "person"; and in line 7 strike "the council" and
insert "it".
2. In the title, line 5, insert "; to provide
for the position of administrator" before the semicolon.

LEGISLATIVE BILL 942. Replaced on Select File as amended.
E & R amendment to LB 942:

1. In the title, line 2, after "section" insert
"77-202.22, Reissue Revised Statutes of Nebraska, 1943,
and section"; in line 5 insert "to change procedures for
state payments to taxing agencies;" after the semicolon;
and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 327. Replaced on Select File as amended.
E & R amendments to LB 327:

In lieu of the Murphy amendments adopted 3/6,
in the Final Reading Bill:

- 4 1. On page 2, line 4, and page 6, line 25,
5 insert "and sections 3 to 11 of this act" after "87-306".
- 6 2. On page 7, line 6, page 8, lines 6, 8, 13,
7 and 19, page 9, line 24, page 10, line 12, and page 11,
8 line 8, insert "sections 87-301 to 87-306 and sections 3
9 to 11 of" before "this".
- 10 3. Insert three new sections to read:
11 "Sec. 12. That section 87-304, Reissue Revised
12 Statutes of Nebraska, 1943, be amended to read as
13 follows:
14 87-304. (a) Sections 87-301 to 87-306 and
15 sections 3 to 11 of this act do not apply to:

- 16 (1) Conduct in compliance with the orders or
 17 rules of, or a statute administered by, a federal, state,
 18 or local governmental agency;
- 19 (2) Publishers, broadcasters, printers, or other
 20 persons engaged in the dissemination of information or
 21 reproduction of printed or pictorial matters who publish,
 22 broadcast, or reproduce material without knowledge of its
 23 deceptive character; or
- 24 (3) Actions or appeals pending (a) on December
 25 25, 1969 under sections 87-301 to 87-306 as they existed
 1 immediately prior to the effective date of this act, or
 2 (b) under such sections as amended and sections 3 to 11
 3 of this act on the effective date of this act.
- 4 (b) Subsections 2 (a) (2) and 2 (a) (3) do not
 5 apply to the use of a service mark, trade-mark,
 6 certification mark, collective mark, trade name, or other
 7 trade identification that was used and not abandoned
 8 before December 25, 1969, if the use was in good faith
 9 and is otherwise lawful except for sections 87-301 to
 10 87-306 and sections 3 to 11 of this act.
- 11 Sec. 13. That section 87-305, Reissue Revised
 12 Statutes of Nebraska, 1943, be amended to read as
 13 follows:
- 14 87-305. Sections 87-301 to 87-306 and sections 3
 15 to 11 of this act shall be construed to effectuate ~~its~~
 16 their general purpose to make uniform the law of those
 17 states which enact ~~it~~ them.
- 18 Sec. 14. That section 87-306, Reissue Revised
 19 Statutes of Nebraska, 1943, be amended to read as
 20 follows:
- 21 87-306. Sections 87-301 to 87-306 and sections 3
 22 to 11 of this act may be cited as the Uniform Deceptive
 23 Trade Practices Act."
- 24 4. Renumber original sections 12 to 14 as
 25 sections 15 to 17.
- 26 5. On page 11, lines 19 and 20, strike "and
 27 87-302" and insert ", 87-302, 87-304, 87-305, and
 1 87-306".
- 2 6. In the title, line 2, strike "and 87-302" and
 3 insert ", 87-302, 87-304, 87-305, and 87-306"; and in
 4 line 8 insert "to provide for pending actions or
 5 appeals;" after the first semicolon.

LEGISLATIVE BILL 616. Replaced on Select File as amended.
 E & R amendments to LB 616:

1. Renumber present sections 4 to 11 as
 sections 3 to 10.

2. In renumbered section 7, line 2 as amended, strike "6" and insert "5".

3. In renumbered section 10, lines 2 and 3, strike "sections 53-103 and 53-123.04" and insert "section 53-103".

4. In the amended title, lines 3 and 4, strike "sections 53-103 and 53-123.04" and insert "sections 53-103"; in line 6 insert "define and" after the first "to"; and strike beginning with the third "to" in line 6 through the semicolon in line 7.

LEGISLATIVE BILL 788. Replaced on Select File as amended. E & R amendments to LB 788:

1. On page 3, line 10, insert an underscored period after "officer"; and in line 13 strike the period and show the same as stricken.

2. In the title, insert "to strike a special provision for investments;" at the end of line 7.

Correctly Enrolled

The following bills were correctly enrolled: 646, 735, 737, 738, 739, 742, 744, 748, 828, 833, 855, 975, 975A, 722, 747 and 794.

(Signed) John J. Cavanaugh, Chairman

COMMUNICATION

Acknowledged receipt of House Resolution No. 44 from Montana State House of Representatives regarding registration and confiscation of firearms.

The Resolution is on file in the Clerk's office.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 736.

A BILL FOR AN ACT to amend section 33-139, Reissue Revised Statutes of Nebraska, 1943, and section 33-138, Revised Statutes Supplement, 1972, relating to fees; to provide fees for jurors and witnesses in the district, county, and municipal courts; and to repeal the original sections, and also section 33-140, Revised Statutes Supplement, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Clark	DeCamp	Duis	Epke
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 10:

F. Carstens	Chambers	Dickinson	Fellman	Fowler
F. Lewis	Marvel	Murphy	Proud	Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 960. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 625. E & R amendments found in the Journal on page 973 for the Fortieth Day were adopted.

Mr. Stull offered the following amendment which was adopted with 29 ayes, 0 nays and 20 not voting.

Page 1 line 9 strike fifteen insert sixteen and line 24 strike fifteen and insert sixteen

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 679. E & R amendment found in the Journal on page 973 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 815. E & R amendments found in the Journal on page 973 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 723. E & R amendments found in the Journal on page 991 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 733. E & R amendments found in the Journal on page 991 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 972. E & R amendments found in the Journal on page 992 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 826. E & R amendments found in the Journal on page 922 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 991. E & R amendment found in the Journal on page 992 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 909. E & R amendment found in the Journal on page 992 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 824. E & R amendments found in the Journal on page 992 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 911. E & R amendments found in the Journal on page 992 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 886. E & R amendment found in the Journal on page 993 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 832. E & R amendments found in the Journal on page 993 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1015. E & R amendments found in the Journal on page 993 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 995. E & R amendments found in the Journal on page 994 for the Fortieth Day were adopted.

Mr. Simpson offered the following amendments:

1. Page 2, line 23: strike "board of county commissioners" and insert "personnel policy board".
2. Page 4, lines 19 and 20: strike "in the office of the county board of commissioners".
3. Page 5, lines 3 through 8: strike "and, except for one member, who are not otherwise employed by the county. No member shall hold during his term, or shall have held for a period of one year prior thereto, any political office or a position as officer or employee of a political organization."
4. Page 5: strike all of lines 9 through 15, and insert "(2) One member of the board shall be a county commissioner appointed by the county board, one member shall be an elected county official appointed by the elected county officials, and one member shall be a classified county employee appointed by classified employees who are covered by the county personnel system. The other two members shall be appointed by the presiding district judge of the judicial district encompassing the county, and shall be persons who do not hold during their term, or shall not have held for a period of one year prior thereto, any political office or a position as officer or employee of any political organization."
5. Page 5, line 19: strike the "s" on "appointments", "one" and "and five".
6. Page 5, line 21: strike "and four", and insert after the period: "The first employee appointment shall be for four years and the two district judge appointments shall be for one and five years."
7. Page 6, lines 18 and 19: strike "review and made recommendations to the board of county commissioners on" and insert "adopt".
8. Page 6, lines 20 and 21: strike "prior to the approval by the commissioners".
9. Page 7: strike all of lines 14 & 15.
10. Page 7, line 16: strike "(7)" and insert "(6)".
11. Page 7, line 19: strike "county board of commissioners" and insert "personnel policy board".
12. Page 9, line 5: strike "submit" and insert "adopt or amend".
13. Page 9, lines 5 through 7: strike "for adoption and may be amended,

by resolution of the county board of commissioners" and insert "provided however that within sixty days after the adoption of such rules and regulations, any of such rules and regulations may be vetoed or amended by the action of a majority of the county commissioners together with a majority of the elected officials, to be evidenced by filing such action with the personnel policy board within such sixty day period".

The amendments lost with 7 ayes, 16 nays and 26 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 826A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Bracket LB 629

Mr. Snyder asked unanimous consent to bracket LB 629 on E & R Final. No objections. So ordered.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 959. Placed on General File as amended.

(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office.)

(Signed) J. W. Burbach, Chairman

UNANIMOUS CONSENT—Bracket LB 922

Mr. Stahmer asked unanimous consent to bracket LB 922 on Final Reading. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 870. Laid over.

LEGISLATIVE BILL 692. Laid over at the request of Mr. Goodrich.

MR. SYAS PRESIDING

LEGISLATIVE BILL 997. Considered.

Mr. Carpenter requested a roll call vote on his pending amendments found in the Journal on page 968 for the Thirty-ninth Day.

Voting in the affirmative, 36:

Burbach
Chambers

Carpenter
DeCamp

C. Carsten
Epke

F. Carstens
Fellman

Cavanaugh
Fowler

Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marvel	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Schmit	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Whitney				

Voting in the negative, 3:

Anderson	Clark	Simpson
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Not voting, 10:

Barnett	Dickinson	Duis	Keyes	F. Lewis
Marsh	Proud	Waldron	Warner	Wiltse

The amendments were adopted with 36 ayes, 3 nays and 10 not voting.

Mr. Carpenter offered the following amendment which was adopted with 21 ayes, 0 nays and 28 not voting.

1) On page 26, lines 9, 10, 13, and 14, strike "13,019" and insert "23,019".

Mr. Carpenter offered the following amendment which was adopted with 21 ayes, 0 nays and 28 not voting.

1) On page 30, insert after line 11, the following new material:

"It is the intent of the Legislature that the Nebraska Educational Television Commission make the necessary applications to the federal government concerning the improvement of the educational television broadcasting system, and that the Commission may represent to the federal government the intent of the Nebraska Unicameral to appropriate the necessary state funds for federal matching purposes."

Mr. Carpenter offered the following amendment:

1) On page 39, lines 4, 5, 8, and 9, strike "79,469" and insert "93,469".

2) On page 39, insert after line 2, the following paragraph:

"There is included \$14,000 general funds for the employment of an attorney to assist the Commission in the negotiations and compromise concerning charges of job discrimination, which amount shall not be expended for any other purpose."

Mr. Stahmer offered the following amendment as a substitute to the Carpenter amendment.

Strike Carpenter amendment and insert:

On page 8, after line 22, insert "There is included in the funds shown an attorney for the Mexican-American Commission and the Nebraska Indian Commission."

The Stahmer amendment was adopted with 16 ayes, 1 nay and 32 not voting.

The Carpenter amendment, as amended, was adopted with 14 ayes, 1 nay and 34 not voting.

Mr. Carpenter offered the following amendment which was adopted with 12 ayes, 0 nays and 37 not voting.

1) On page 56, line 4, strike "amount not" and insert "appropriate amount never"; and in line 6, insert "Each such warrant shall show on its face the specific fund or funds on which it is drawn and the exact amount to be charged against each individual fund, which information shall be utilized by the State Treasurer to determine the validity of the expenditures from the fund or funds named.", after the period.

Mr. Whitney asked unanimous consent to withdraw his pending amendment found in the Journal on page 626 for the Twenty-eighth Day. No objections. So ordered.

Mr. Richendifer asked unanimous consent to withdraw his pending amendment found in the Journal on page 682 for the Thirty-first Day. No objections. So ordered.

Mr. Richendifer requested a roll call vote on his pending amendment found in the Journal on page 971 for the Thirty-ninth Day, starting at the end of the alphabet.

Voting in the affirmative, 22:

Barnett	Burbach	Carpenter	Chambers	Fellman
Fowler	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kremer	Luedtke	Maresh	Marsh
Murphy	Richendifer	Savage	Snyder	Stull
Syas	Whitney			

Voting in the negative, 4:

Clark	Epke	Goodrich	Skarda
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Not voting, 23:

Anderson	C. Carsten	F. Carstens	Cavanaugh	DeCamp
Dickinson	Duis	Kime	F. Lewis	R. Lewis
Mahoney	Marvel	Moylan	Nore	Proud
Rasmussen	Schmit	Simpson	Stahmer	Stromer
Waldron	Warner	Wiltse		

The amendment was adopted with 22 ayes, 4 nays and 23 not voting.

Mr. Keyes offered the following amendment:

1. On page 55, Section 68, line 13, after legislative intent, strike lines 14 through 24 and shown as stricken, and insert starting fiscal year June 1, 1974, and each year thereafter, the Department of Personal Service shall use the cost of living index of the Bureau of Labor Statistics of the Department of Labor for the preceeding calendar year to provide for the increase or decrease for each employee; except for fiscal year 1974 and 1975 no employee shall receive a cost of living raise less than \$480.

Mr. Keyes moved for a Call of the House. The motion lost with 9 ayes, 18 nays and 22 not voting.

Mr. Keyes requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Anderson	Barnett	Carpenter	Cavanaugh	Fellman
Fowler	Keyes	Mahoney	Mareh	Moylan
Rasmussen	Stahmer	Syas		

Voting in the negative, 26:

C. Carsten	Clark	DeCamp	Duis	Epke
Goodrich	Hasebroock	Johnson	Kelly	Kime
Kremer	R. Lewis	Luedtke	Marsh	Marvel
Murphy	Nore	Richendifer	Savage	Simpson
Skarda	Snyder	Stull	Warner	Whitney
Wiltse				

Not voting, 10:

Burbach	F. Carstens	Chambers	Dickinson	Kennedy
F. Lewis	Proud	Schmit	Stromer	Waldron

The amendment lost with 13 ayes, 26 ayes and 10 not voting.

Mr. Carpenter offered the following amendment which was adopted:

1) On page 29, after line 23, insert the following:

"There are included funds for the subscription to the Nielsen Rating Service or its equivalent which shall be used by the Commission in the operation and management of its programs."

Mr. Burbach offered the following amendment:

On page 30, after line 11, insert "Beginning with the 1975 Session of the Legislature, the Educational Television Commission shall expand the daily transmission of the Legislative Sessions up to one hour per day."

Messrs. Carpenter, Marvel and F. Carstens asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Duis and Skarda asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. Nore asked unanimous consent to be excused until Tuesday, afternoon, March 12. No objections. So ordered.

Mr. Whitney moved the previous question. The question is "Shall the debate now close?" The motion lost with 18 ayes, 0 nays and 31 not voting.

The Burbach amendment lost with 5 ayes, 18 nays and 26 not voting.

Mr. Kremer offered the following amendment:

On page 34, line 19 and 20 strike "133,214" and insert: " 1,133,214"; insert after line 18 the following:

"There is included \$1,000,000 general funds for the Nebraska Natural Resources Development Fund which is hereby appropriated.";

On page 35, line 15, strike "1,055,891" and insert "2,055,891"; line 18, strike "1,562,391" and insert: "2,562,391".

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion lost with 7 ayes, 14 nays and 28 not voting.

Amendment pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 647, 807, 864, 920, 966, 974, 976, 1013, 1014 and 1025.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—LB 1046 Public Hearing

Mr. Chambers asked unanimous consent to set LB 1046 for Public Hearing on March 13 before the Government, Military and Veterans Affairs Committee. No objections. So ordered.

UNANIMOUS CONSENT—Print Amendment to LB 782 in Journal

Mr. Fellman asked unanimous consent to print the following amendment to LB 782 in the Journal. No objections. So ordered.

On page 879 in paragraph 1, after word "sentencing" add "for forty-eight hours at which time control shall transfer to the Department of Corrections."

EXPLANATION OF VOTE

Had I been present March 7, 1974, I would have voted nay on LB 747 on Final Reading.

(Signed) Ernest Chambers

VISITORS

The Chair introduced students and their teachers from Kahoa Elementary School, Lincoln, Nebraska; 18 students and their teacher from Clare McPhee School, Lincoln, Nebraska and 11 Fifth to Eighth grade students from Immanuel Lutheran School, Beemer, Nebraska.

RECESS

At 11:54 a.m., on a motion by Mr. C. Carsten, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:01 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Carpenter, Clark, Duis, F. Carstens, F. Lewis, Marvel, Nore, Proud, Skarda, Stromer and Waldron who were excused, Mr. Fellman who was excused until he arrives; and Mr. Schmit who was absent.

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 736. Correctly enrolled.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business the President signed the following bills: 646, 722, 735, 736, 737, 738, 739, 742, 744, 747, 748, 794, 811, 828, 833, 855, 975, and 975A.

UNANIMOUS CONSENT—Unbracket LB 629

Mr. Snyder asked unanimous consent to unbracket LB 629 on E & R Final. No objections. So ordered.

MOTION—Return LB 629 to Select File

Mr. Snyder moved to return LB 629 to Select File for the following specific amendment:

Amend Committee amendment as follows:

line 38 – after “municipality” to add “or such county”

line 131 – Strike “3. Renumber sections 1 to 5 as sections 2 to 6 respectively.”

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 629. The Snyder specific amendment found in this day’s Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

MOTION—Order of Day

Mr. Mahoney moved to consider non-controversial bills this afternoon on General File. If anyone objects the bill will be passed over. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 711. Title read. Considered.

Mr. Cavanaugh moved to reject the Standing Committee amendment found in the Journal on page 510 for the Twenty-second Day. Motion pending.

UNANIMOUS CONSENT—Bracket LB 677

Mr. Kelly asked unanimous consent to bracket LB 677 on General File for Tuesday, March 12. No objections. So ordered.

UNANIMOUS CONSENT—Bracket LB 643

Mr. Simpson asked unanimous consent to bracket LB 643 indefinitely on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 713. Title read. Considered.

The Barnett amendments found in the Journal on page 969 for the Thirty-ninth Day were adopted.

Mr. Snyder offered the following amendment which was adopted.

1. On page 4, line 25 strike “shall” and insert “may operate, or may”.

Laid over.

LEGISLATIVE BILL 622. Title read. Considered.

Standing Committee amendments found in the Journal on page 437 for the Eighteenth Day were rejected.

Mr. Richendifer offered the following amendments which were adopted.

1. On pages 2 and 3, strike the new matter.
2. On page 2, line 4, insert “, with the advice and consent of the Legislature,” after “shall”; in line 5, reinstate the stricken matter; in line 17, strike “Director” and show as stricken and strike “of Insurance” and insert “~~of Insurance~~ of the Governor”.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 876. Title read. Considered.

Standing Committee amendments found in the Journal on page 751 for the Thirty-third Day were adopted.

Mr. Warner offered the following amendment which was adopted.

1. On page 2, line 17, after “issued.” insert: “Such certificates shall be supplied by the Department of Motor Vehicles to each county treasurer.”

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

MR. EPKE PRESIDING

LEGISLATIVE BILL 861. Title read. Considered.

Standing Committee amendments found in the Journal on page 749 for the Thirty-third Day were adopted.

Mrs. Marsh offered the following amendment which was adopted.

1. On page 6, line 8 strike "public".
2. On page 14, line 11, insert "; Provided, that public records shall not mean a record which is required by law to be treated in a confidential manner" after "law".

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 897. Title read. Considered.

The Standing Committee amendments found in the Journal on page 750 for the Thirty-third Day were adopted.

The Maresh amendments referred to in the Journal on page 902 for the Thirty-seventh Day were laid over.

LEGISLATIVE BILL 775. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 644. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 926. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 919. Title read. Considered.

Standing Committee amendment found in the Journal on page 589 for the Twenty-sixth Day was adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 890. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 789. Title read. Considered.

Standing Committee amendments found in the Journal on page 884 for the Thirty-sixth Day were adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 1001. Title read. Considered.

Mr. Simpson offered the following amendment which was adopted:

Amend page 3, line 21, insert "unless excused by his supervisor" after "employee".

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 1003. Title read. Considered.

Standing Committee amendment found in the Journal on page 885 for the Thirty-sixth Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 1004. Title read. Considered.

Standing Committee amendments found in the Journal on page 901 for the Thirty-seventh Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Murphy asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 897. Considered.

Mr. Warner offered the following amendment to the pending Maresh amendments referred to on page 902 for the Thirty-seventh Day. Insert the words "or vacancies" in line 25 after the word "vacancy" and by striking lines 26 and 27 on page 5 and lines 1 and 2 on page 6 of the Maresh amendment (Req. 2617).

The amendment was adopted.

Mr. Whitney offered the following amendment to the Maresh pending amendment:

Strike first sentence in Sec. 5 page 4 of Maresh amendment

The amendment was adopted.

The Maresh pending amendments were adopted, as amended.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

Mr. Maresh asked unanimous consent to expedite LB 897. No objections.
So ordered.

PRESIDENT MARSH PRESIDING

COMMUNICATIONS ON LB 77 AND LB 77A

CERTIFICATE

Legislative Bill 77 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 5th day of March 1974.

(Signed) Frank Marsh, Presiding Officer
President of the Legislature

CERTIFICATE

Legislative Bill 77A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 5th day of March 1974.

(Signed) Frank Marsh, Presiding Officer
President of the Legislature

March 7, 1974

Hon. Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

RE: LB 77, Eighty-third Legislature, Second Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 77 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 77 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ls
cc: Gov. J. James Exon

March 7, 1974

Hon. Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 77A, Eighty-third Legislature, Second Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 77A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 77A notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ls
cc: Gov. J. James Exon

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 875A. By Urban Affairs Committee: Snyder, 14th District, Chairman; Syas, 13th District; Murphy, 17th District; Fowler, 27th District; Schmit, 23rd District.

A BILL FOR AN ACT to appropriate two hundred thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Roads, Agency No. 27 for Program 305, Assistance to Local Transit Authorities, to aid in carrying out the provisions of Legislative Bill 875, Eighty-third Legislature, Second Session, 1974; and to provide duties for the Department of Roads

UNANIMOUS CONSENT—Bracket LB 785

Mr. Luedtke asked unanimous consent to bracket LB 785 on General File for March 18 after 932 and 933. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 8, 1974 at 3:00 p.m., were the following: LB 646, LB 722, LB 735, LB 736, LB 737, LB 738, LB 739, LB 742, LB 744, LB 747, LB 748, LB 794, LB 811, LB 828, LB 833, LB 855, LB 975, LB 975A.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 625. Replaced on Select File as amended.
E & R amendment to LB 625:

1. In lieu of the Stull amendment, in committee amendment 1, lines 9 and 24, strike "fifteen" and insert "sixteen"; and in the bill, on page 2, line 20, and page 3, line 25 strike "fifteen" and insert "sixteen".

LEGISLATIVE BILL 1011. Replaced on Select File as amended.
E & R amendments to LB 1011:

1. On page 5, line 8 strike "under supervision".
2. On page 6, line 7, strike the comma.
3. On page 7, line 19, strike "the conservator may".
4. On page 11, line 11, strike "provided" and insert "set forth".

LEGISLATIVE BILL 905. Replaced on Select File as amended.
E & R amendment to LB 905:

1. On page 10, line 19, strike the comma.

LEGISLATIVE BILL 1007. Replaced on Select File as amended.
E & R amendment to LB 1007:

1. In the title, line 7, strike "and" and insert a semicolon; and strike "require" and insert "prescribe".

LEGISLATIVE BILL 812. Replaced on Select File as amended.
E & R amendment to LB 812:

1. On page 2, line 22, strike "Nebraska" and show as stricken.

LEGISLATIVE BILL 921. Placed on Select File as amended.
E & R amendments to LB 921:

1. Renumber section 3 added by committee amendment 1 as section 4 and renumber original sections 3 and 4 as sections 5 and 6.
2. For correlation purposes, on page 2, line 2, insert ", as amended by section 11, Legislative Bill 829, Eighty-third Legislature, Second Session, 1974" after "1973"; and strike line 26 and insert "a felony".
3. For correlation purposes, on page 3, line 2, insert ", as amended by section 3, Legislative Bill 593, Eighty-third Legislature, Second Session, 1974" after

"1973"; in lines 5 and 6, strike the stricken matter and remove underscoring; in line 9, strike "~~39-723 or 39-7,108,~~" and insert "39-662, 39-663, ~~or 39-666,~~"; strike the new matter in lines 10 and 11 and insert "or"; and strike the stricken matter in lines 23 and 24 and remove underscoring from line 23.

4. On page 6, strike lines 22 to 24 and insert:

"Sec. 5. That original sections 39-722.01, 39-723.06, and 39-723.07, Revised Statutes Supplement, 1973, section 39-6,108, Revised Statutes Supplement, 1973, as amended by section 11, Legislative Bill 829, Eighty-third Legislature, Second Session, 1974, and section 39-723.05, Revised Statutes Supplement, 1973, as amended by section 3, Legislative Bill 593, Eighty-third Legislature, Second Session, 1974, are repealed."

5. In the title, strike lines 2 and 3 and insert:

"FOR AN ACT to amend sections 39-722.01, 39-723.06, and 39-723.07, Revised Statutes Supplement, 1973, section 39-6,108, Revised Statutes Supplement, 1973, as amended by section 11, Legislative Bill 829, Eighty-third Legislature, Second Session, 1974, and section 39-723.05, Revised Statutes Supplement, 1973, as amended by section 3, Legislative Bill 593, Eighty-third Legislature, Second Session, 1974,";

and in line 4 insert "to provide for special truck permits;" after the semicolon.

LEGISLATIVE BILL 877. Placed on Select File as amended. E & R amendments to LB 877:

1. On page 2, line 13, strike "and" and insert "and".

2. On page 3, line 3, strike "This" and insert "Such".

3. On page 6, line 15, strike "the political party, if applicable" and insert ", if applicable, the political party"; in line 17 strike "said" and insert ", the"; and in line 21 insert "been" after "have".

4. For correlation purposes, on page 2 line 2, insert "," as amended by section 1, Legislative Bill 614, Eighty-third Legislature, Second Session, 1974" after "1973"; on page 5, line 15, strike "and"; in line 20 strike the period and insert a semicolon; and after line 20 insert:

"(9) Money shall mean any negotiable instrument or other circulating medium in general use expressible in money values, but shall not include any cash as defined in subdivision (10) of this section; and

(10) Cash shall mean any coined metal, paper issued by the government, or other legal tender in general use upon which the government stamp has been impressed to indicate its value."

5. On page 8, lines 15 and 16 strike "32-1134, 32-1135," and insert "32-1135"; and in line 16 insert ", and section 32-1134, Revised Statutes Supplement, 1973, as amended by section 1, Legislative Bill 614, Eighty-third Legislature, Second Session, 1974" after "1973".

6. In the title, line 2, strike "32-1134, 32-1135," and insert "32-1135"; in line 3 insert ", and section 32-1134, Revised Statutes Supplement, 1973, as amended by section 1, Legislative Bill 614, Eighty-third Legislature, Second Session, 1974" after "1973"; in line 4 insert "to provide penalties;" after the second semicolon; in line 6 strike the second "and"; and in line 7 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 1028. Placed on Select File as amended.
E & R amendments to LB 1028:

1. In the new matter of the Carpenter amendment to section 1, lines 7 and 8, strike "in this work"; and in line 10 insert "the furnishing of" after the second "to".

2. In section 2, line 4, strike "The Attorney General" and insert "He"; in line 10 strike "; and his proof" and insert ". Proof"; and in line 14 strike "; and he" and insert ". He".

3. In section 3, line 2, strike "the terms of", insert an underscored comma after "act" and after "authority", and strike the second "the"; in line 3 strike "in court" and insert a comma; in line 6 strike "which the Attorney General" and insert ", which he"; in line 8 strike "hereafter set forth" and insert "set forth in this section"; in line 10 insert an underscored comma after "investigation"; in line 11 strike the semicolon and insert an underscored comma; in line 13 strike "and the" and insert "which"; strike lines 14 to 16 and insert "of service of the subpoena, and (3) a description of any documentary material required by class so as to clearly indicate the material demanded. He may"; in line 17 strike "elect, to"; in line 18 strike ", said" and insert "the"; strike the comma in lines 20 and 21; in line 23 strike "said" and insert "the"; in line 35 strike "and they" and insert "which"; in line 37 strike "In the event" and insert "If"; in lines 37 and 38 strike "by the Attorney General"; in line 39 strike

"provided herein" and insert "required"; strike the comma in line 39 and the first comma in line 40; in line 42 strike "said" and insert "the"; in line 43 strike "; thereafter, any" and insert ". Any"; in line 49 strike "acquired" and insert "required", and strike "or subject him" and insert ", but he shall not be subject"; and in line 51 strike "Provided," and insert ", except that".

4. Renumber original section 2 as section 4.

5. In the title, strike lines 4 to 7 and insert "Department of Justice; to provide for an antitrust division in the Department of Justice as prescribed; and to repeal the original".

LEGISLATIVE BILL 957. Placed on Select File as amended.
E & R amendments to LB 957:

1. Pursuant to the Schmit amendment, in section 1, lines 4 and 9 strike "ninety-days" and insert "sixty days"; and in line 5 strike "three" and insert "two".

2. In section 1, lines 3 and 4, strike "where" and insert "in which".

3. In section 2, line 3, insert "of this act" after "1"; in line 6 insert "held" after "be"; in lines 10 and 11 strike ", in turn,"; in line 12 strike "is"; in line 13 strike "his" and insert "the licensee's"; in lines 13 and 14 strike "the licensee's" and insert "his"; and in line 15 strike "the" and insert "such" and strike "provided herein".

4. In section 3, line 4 insert "shall," after "and"; in line 5 strike "shall", and insert a comma after "dollars"; and in lines 6 and 7 strike "or by both such fine and imprisonment." and insert ", or be both so fined and imprisoned."

5. In section 4, line 3, insert ", Reissue Revised Statutes of Nebraska, 1943" after "60-420"; in line 4 strike ", provided however, that all" and insert ". All"; and in line 5 strike "filed" and insert "of the filing thereof".

6. In section 5, line 1, strike "revoked" and insert "suspended"; in line 4 insert "filing of" after "of" and strike "filed"; and in line 6 insert "its" after "to".

7. In the title, line 3, strike "revocation" and insert "suspension"; in line 4 strike "failure to maintain" and insert "arrearages in"; in line 5 strike "and", and insert "; and to provide an operative date" after "penalty".

LEGISLATIVE BILL 961. Placed on Select File as amended.
E & R amendment to LB 961:

1. On page 2, line 19, strike “, or” and insert “or,”.

LEGISLATIVE BILL 499. Placed on Select File as amended.
E & R amendments to LB 499:

1. On page 2, line 23, strike “, or” and insert “or,”.

2. On page 3, strike lines 8 to 11 and renumber subdivisions (5) and (6) of section 2 as subdivisions (4) and (5); and in line 13 strike “drawing funds” and insert “to whom a loan is made”.

3. In lieu of the Barnett amendments 1 and 4, on page 3 strike lines 19 and 20 and insert “training, which loans shall be made by the state investment officer from such amounts as are appropriated from the General Fund for such specific purpose. A maximum of two hundred such loans shall be made each fiscal year.”.

4. On page 4, lines 11 and 23, and page 5, line 4, strike “lending institution” and insert “state investment officer”.

5. In section 5, line 1, strike “Schools will” and insert “. Approved institutions of higher learning shall”; and in line 6 strike “schools” and insert “institutions”.

LEGISLATIVE BILL 1028A. Placed on Select File.

LEGISLATIVE BILL 790A. Placed on Select File.

LEGISLATIVE BILL 865A. Placed on Select File.

LEGISLATIVE BILL 983A. Placed on Select File.

(Signed) John J. Cavanaugh, Chairman

ADJOURNMENT

At 3:48 p.m., on a motion by Mr. Rasmussen, the Legislature adjourned until 10:00 a.m., Monday, March 11, 1974.

Vincent D. Brown
Clerk of the Legislature

FORTY-SECOND DAY—MARCH 11, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 11, 1974

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

Almighty God, with weighty issues before this Legislature, and a host of bills demanding our attention and concern, give to these Senators mental astuteness, emotional rationality, steadfastness of purpose, debate in depth, an openness to information that will be brought forth. With the vast complexities before them, may they strive to see clearly the issues, have knowledge of the total program, and strive to reach those decisions which will be of maximum benefit for the people of our State. Through different points of view, through a variety of personalities, may we finally reach the maximum harmony of understanding and action.

In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Nore who was excused, Mr. F. Lewis who was excused until he arrives, Mr. DeCamp who was absent until 11:45 a.m., and Mr. Cavanaugh who was absent.

CORRECTIONS FOR THE JOURNAL

Page 1030, lines 4 & 5, show "or" as underscored.
The Journal for the Forty-first Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Richendifer asked unanimous consent to be excused at 11:00 a.m. this morning. No objections. So ordered.

LETTER FROM SECRETARY OF STATE

March 8, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

I acknowledge receipt of your letter dated March 7th along with the certification signed by Frank Marsh, the President of the Legislature.

I also acknowledge receipt of Engrossed Legislative Bills 77 and 77A. For the record, Legislative Bills 77 and 77A were returned by the Governor with his objections thereto and after reconsideration, were passed by the Legislature notwithstanding the veto by a Constitutional majority and have become law on the 5th day of March, 1974.

Finally, you should be advised that these bills have been filed with the office of Secretary of State on March 8, 1974 at 4:00 p.m.

Respectfully acknowledged,

(Signed) ALLEN J. BEERMANN
Secretary of State

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 654, 676, 689, 723, 768, 881, 965, 972, 984, 991, 992, 993 and 994.

(Signed) John J. Cavanaugh, Chairman

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules to consider the Final Reading bills set for tomorrow. The motion prevailed with 30 ayes, 2 nays and 17 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 614. Mr. Fellman moved to return LB 614 to Select File for the following specific amendment:
Amend LB 614 to exempt cash contributions under \$25.00 from the requirements of the bill.

The motion prevailed with 28 ayes, 13 nays and 8 not voting.

LEGISLATIVE BILL 641. With Emergency.

A BILL FOR AN ACT to amend section 2-3214, Revised Statutes Supplement, 1972, relating to natural resources districts; to clarify provisions for nomination of candidates; to provide for an alternate manner of election of directors; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	Luedtke	Maresh	Marsh	Marvel
Moylan	Murphy	Rasmussen	Richendifer	Schmit
Simpson	Skarda	Stahmer	Stromer	Stull
Waldron	Warner	Wiltse		

Voting in the negative, 6:

R. Lewis	Mahoney	Proud	Savage	Snyder
Syas				

Not voting, 5:

Cavanaugh	DeCamp	F. Lewis	Nore	Whitney
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 694. With Emergency.

A BILL FOR AN ACT to amend sections 2-955 and 2-963, Reissue Revised Statutes of Nebraska, 1943, relating to weed eradication and control; to provide for general published notice in counties having three hundred thousand or more inhabitants; to change penalties; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Clark	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 1:

Proud

Not voting, 9:

Carpenter	Cavanaugh	Chambers	DeCamp	Kime
F. Lewis	Marvel	Murphy	Nore	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agree to.

LEGISLATIVE BILL 734.

A BILL FOR AN ACT to amend sections 30-901, 30-902, 30-904, 30-905, 30-906, 30-907, and 30-1001, Reissue Revised Statutes of Nebraska, 1943, relating to decedents' contracts for the sale of land; to grant jurisdiction to the county courts to authorize such sales; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Burbach	C. Carsten	F. Carstens	Chambers
Clark	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	R. Lewis	Luedtke	Mahoney

Maresh	Marsh	Marvel	Moylan	Murphy
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Barnett	Carpenter	Cavanaugh	DeCamp	Dickinson
Kremer	F. Lewis	Nore	Skarda	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 779. Mr. Warner moved to return LB 779 to Select File for the following specific amendment:

Strike the enacting clause.

The motion lost with 16 ayes, 24 nays and 9 not voting.

A BILL FOR AN ACT to amend section 37-526, Reissue Revised Statutes of Nebraska, 1943, section 81-805, Revised Statutes Supplement, 1972, and section 37-501, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 765, Eighty-third Legislature, Second Session, 1974, relating to the Game and Parks Commission; to change a prohibition; to harmonize with previous legislation; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Anderson	Barnett	Carpenter	Clark	Dickinson
Duis	Fellman	Fowler	Goodrich	Hasebrook
Johnson	Kelly	Keyes	Luedtke	Mahoney
Marvel	Moylan	Proud	Rasmussen	Savage
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Wiltse

Voting in the negative, 13:

Burbach	C. Carsten	F. Carstens	Chambers	Epke
Kennedy	Kime	Kremer	R. Lewis	Maresh
Richendifer	Schmit	Whitney		

Not voting, 6:

Cavanaugh	DeCamp	F. Lewis	Marsh	Murphy
Nore				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Warner requested the Journal to show his vote on LB 779 changed from "nay" to "aye" for purposes of reconsideration.

LEGISLATIVE BILL 813. With Emergency.

A BILL FOR AN ACT to amend sections 79-2603 and 79-2617, Revised Statutes Supplement, 1973, relating to technical community colleges; to combine Eastern Nebraska Technical Community College Area with Omaha Nebraska Technical Community College Area; to provide for the transfer of assets; to provide for the appointment and election of a new board; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Kelly	Kennedy	Keyes	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Cavanaugh	DeCamp	Johnson	Kime	F. Lewis
Murphy	Nore	Whitney		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 829. With Emergency.

A BILL FOR AN ACT relating to criminal procedure; to establish uniform procedures for the issuance of citations in lieu of arrest as prescribed; to

amend sections 39-6,105, 39-6,107, 39-6,108, and 39-6,112, Revised Statutes Supplement, 1973; to provide an operative date; to repeal the original sections, and also sections 39-6,103 and 39-6,106, Revised Statutes Supplement, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Chambers	Clark	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Kelly
Kennedy	Keyes	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Rasmussen
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

F. Carstens	Cavanaugh	DeCamp	Johnson	Kime
F. Lewis	Marvel	Murphy	Nore	Proud
Richendifer				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 784.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1973, relating to building and loan associations; to provide advantages the same as for federal associations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Chambers	Clark	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson

Kelly	Keyes	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Proud	Rasmussen	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Carpenter	Cavanaugh	DeCamp	Kennedy	Kime
F. Lewis	Murphy	Nore	Richendifer	Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 796.

A BILL FOR AN ACT to amend section 3-504, Revised Statutes Supplement, 1973, relating to airport authorities; to permit an additional mill levy for authorities in villages; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Keyes	Kremer	Luedtke	Mahoney
Maresh	Marsh	Moylan	Murphy	Proud
Rasmussen	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 1:

R. Lewis

Not voting, 9:

Cavanaugh	DeCamp	Kelly	Kennedy	Kime
F. Lewis	Marvel	Nore	Richendifer	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 822.

A BILL FOR AN ACT to amend section 70-630, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to require reasonable rates to insure an overall profitable and successful operation as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Barnett	Burbach	Carpenter	C. Carsten	Chambers
Dickinson	Duis	Epke	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kremer	Luedtke
Mahoney	Maresh	Marsh	Moylan	Murphy
Proud	Rasmussen	Savage	Schmit	Simpson
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 5:

F. Carstens	Clark	Fellman	Skarda	Snyder
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Not voting, 11:

Anderson	Cavanaugh	DeCamp	Kennedy	Keyes
Kime	F. Lewis	R. Lewis	Marvel	Nore
Richendifer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 893.

A BILL FOR AN ACT to amend section 39-1501, Reissue Revised Statutes of Nebraska, 1943, relating to highways and bridges; to provide for maintenance and construction of roads in unincorporated areas as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Carpenter	C. Carsten	F. Carstens	Chambers	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Keyes	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Murphy	Proud	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 3:

Burbach	Clark	Stull
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Not voting, 12:

Anderson	Barnett	Cavanaugh	DeCamp	Dickinson
Kennedy	Kime	F. Lewis	Marvel	Nore
Rasmussen	Richendifer			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 924.

A BILL FOR AN ACT relating to disaster and civil defense; to create a trust fund; to prescribe its name and purpose; and to provide for deposits.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Murphy
Rasmussen	Savage	Schmit	Skarda	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Wiltse				

Voting in the negative, 5:

Clark	Proud	Simpson	Snyder	Whitney
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Not voting, 8:

Cavanaugh	Chambers	DeCamp	Dickinson	Kennedy
Marvel	Nore	Richendifer		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at 1:50 p.m. today under the North Balcony.

POINT OF PERSONAL PRIVILEGE

Speaker Proud reported on his recent visit with President Nixon on the trucking and energy situation.

SELECT FILE

LEGISLATIVE BILL 602. Mrs. Marsh moved to strike the Standing Committee amendments adopted on February 28, 1974.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Mrs. Marsh offered the following amendments:

1. On page 2, line 9 after "state" insert " , and after January 1, 1977 to"; in line 19 after "the" insert "owner or the" in line 21 strike "governmental department, agency or unit" and show as stricken and insert "building or facilities"; after the period in line 24 insert "when such owner or authority shall determine that full compliance with any standard or specification is impracticable it shall apply to the Public Buildings Safety Advisory Committee for an opinion relating thereto, and the committee shall have authority to render such opinions. When an opinion is issued pursuant to a complete and accurate request, such opinion shall be a complete defense to any charge of violations of this act as to any action taken strictly subject to the terms of such opinion."

2. on page 5, line 18 strike "and"; in line 21 after "entity" insert: " ; and"

(15) Remodeled space shall mean all newly remodeled space so designed under the provisions of sections 72-1101 to 72-1119. When remodeling projects require expenditures exceeding fifty per cent of replacement value of the structure as determined by a licensed evaluator, the total structure shall comply with the provisions of sections 72-1101 to 72-1119".

3. On page 5, after line 21 insert the following new sections:

"Sec. 3. That section 72-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1108. Doors shall have a clear opening of not less than thirty-two inches when open and all corridor doors and public access doors shall be operable by a single effort. The floor on the inside and outside of each doorway shall be level for a distance of five feet from the door in the direction the door swings and shall extend one foot beyond each side of the door. Sharp inclines and abrupt changes in level shall be avoided at doorsills. As much as practicable, thresholds shall be flush with the floor.

Sec. 4. That section 72-1109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1109. Stairs shall conform to standards of the American Standards Association, Inc., with the following additional considerations: Steps in stairs shall be designed wherever practicable so as not to have abrupt, square nosing. Stairs shall have handrails thirty-two inches high as measured from the tread at the face of the riser. Stairs shall have at least one handrail that extends at least eighteen inches beyond the top step and beyond the bottom step. Steps should, wherever possible, and in conformation with existing step formulas, have risers that do not exceed seven and three-quarters inches.

Sec. 5. That section 72-1114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1114. Elevators shall be provided and shall be accessible to, and usable by, the physically disabled at all levels normally used by the general public that are not accessible by ramps or grade entrances. Elevator control buttons shall have identifying features for the benefit of the blind. ~~Elevators shall allow for traffic by wheelchairs.~~ The Public Buildings Safety Advisory Committee shall promulgate uniform standards and specifications for elevators.

Sec. 6. That section 72-1115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1115. ~~Switches and controls for light, heat, ventilation, windows, draperies, fire alarms, and all similar controls of frequent or essential use, alarm systems shall be placed within the reach of individuals in wheelchairs.~~

Sec. 7. That section 72-1116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1116. Appropriate identification of specific facilities within a building used by the public is essential to the blind. Raised letters or numbers shall be used to identify rooms and offices. Such identification shall be placed on the wall, to the right or left of the door, at a height between four feet six inches and five feet six inches, measured from the floor, and preferably at five feet. Doors that are not intended for normal use, and that are dangerous

if a blind person were to exit or enter by them, shall be made quickly identifiable to the touch by ~~knurling a~~ standardized identifiable feature on the door handle or knob.

Sec. 8. That section 72-1117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1117. (1) Audible warning signals located in central corridors shall be accompanied by simultaneous visual signals for the benefit of those with hearing disabilities.

(2) Visual signals shall be accompanied by simultaneous audible signals for the benefit of the blind.

Sec. 9. That section 72-1118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1118. (1) Every effort shall be exercised to obviate hazards to individuals with physical disabilities.

(2) Access panels or manholes in floors, walks, and walls can be extremely hazardous, particularly when in use, and shall be avoided where possible.

(3) When manholes or access panels are open and in use, or when an open excavation exists on a site, particularly when it is approximate to normal pedestrian traffic, barricades shall be placed on all open sides, at least eight feet from the hazard, and visual warning devices shall be installed in accord with the provisions of section 72-1117.

(4) Low-hanging door closers that are within the opening of a doorway when the door is open, or that protrude hazardously into regular corridors or traffic ways when the door is closed, shall be avoided.

(5) Low-hanging signs, ceiling lights, and similar objects or signs and fixtures that protrude into regular corridors or traffic ways shall be avoided. A minimum height of seven feet, measured from the floor, shall be had.

(6) Lighting on ramps shall be at least equal to that prescribed by the specifications of the American Standards Association, Inc. Exit signs shall be in accordance with specifications of the American Standards Associations, Inc., except as modified by section 72-1116."'; and in lines 26 and 27 strike "State Fire Marshal" and insert "capital facilities planning bureau".

4. On page 6, line 13 insert the following:

"Sec. 11. For the purposes of advising authorities in matters pertaining to performance of duties and compliance with standards and specifications required by the provisions of sections 72-1101 to 72-1119, there is hereby established the Public Buildings Safety Advisory Committee composed of five members. Such committee shall consist of the following members: (1) An architect, (2) the State Fire Marshal, or his authorized representative, (3) the head of the capital facilities planning bureau, (4) a construction contractor, and (5) a representative of individuals who are physically handicapped. The members shall be appointed by the Governor within two months after the

effective date of this act and shall serve for a term of four years.

Sec. 12. The committee shall organize by selecting a chairman and such other officer or officers as it may deem necessary and shall establish rules to govern its procedures. Any vacancy occurring in the committee shall be filled in the manner in which original appointments are made. Any person so named to fill a vacancy shall have the same qualifications as his immediate predecessor. No person shall receive any compensation for service rendered as a member of such committee but shall be reimbursed for his actual and necessary expenses.

Sec. 13. The committee shall meet at such times as the business of such committee shall require and at such places as may be established by its chairman, but in no case shall the committee meet fewer than three times annually. Three members shall constitute a quorum for the transaction of business. No member of the committee shall participate in any hearing in which he has an interest in the subject matter.

Sec. 14. The Public Buildings Safety Advisory Committee shall promulgate and implement codes pursuant to sections 72-1101 to 72-1119 consistent with the uniform building codes and standards set by the American Standards Association.

Sec. 15. Sections 72-1101 to 72-1119 and sections 11 and 15 of this act shall not apply to buildings, structures or installations, or portions thereof, used for heavy industry including but not limited to repair shops, railroad yards and any other business or industrial building where the presence of handicapped persons could or would tend to place them in a position of potential hazard to their person, but shall apply to any separate portions of such buildings, structures or installations where managerial functions are conducted if the entry to, and presence of handicapped persons in such separate portions of such buildings, structures or installations would not tend to place them in a position of potential hazard to their person."

5. On page 6, line 27 after "72-1103," insert "72-1108, 72-1109, 72-1114, 72-1115, 72-1116, 72-1117, 72-1118,"; and renumber original sections 3, 4, 5, and 6 as sections 10, 15, 16, and 17 respectively.

Mr. Barnett offered the following amendment to the Marsh amendments:

Sec. 14, line 1, after "Committee" strike "shall" and insert "may".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Marsh amendment pending, as amended. Laid over.

UNANIMOUS CONSENT—Unbracket LB 763

Mr. Richendifer asked unanimous consent to unbracket LB 763 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 721. E & R amendments found in the Journal on page 1007 for the Forty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 949. E & R amendments found in the Journal on page 1008 for the Forty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1024. E & R amendments found in the Journal on page 1008 for the Forty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 942. E & R amendment found in the Journal on page 1008 for the Forty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 327. E & R amendments found in the Journal on page 1008 for the Forty-first Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 616. E & R amendments found in the Journal on page 1009 for the Forty-first Day were adopted.

Mr. Snyder moved to indefinitely postpone.

Mr. Carpenter requested a roll call vote.

Mr. Snyder moved for a Call of the House. The motion prevailed with 21 ayes, 6 nays and 22 not voting.

The Call showed 45 members present.

Mr. Carpenter moved the Call be raised. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

Mr. Barnett asked unanimous consent to start at the end of the alphabet on the roll call vote.

Mr. Stahmer objected.

Mr. Barnett moved to start at the end of the alphabet. The motion lost with 19 ayes, 23 nays and 7 not voting.

Voting in the affirmative, 14:

Barnett	Dickinson	Fellman	Fowler	Goodrich
Keyes	F. Lewis	Marsh	Proud	Savage
Skarda	Snyder	Stahmer	Syas	

Voting in the negative, 30:

Anderson	Burbach	Carpenter	C. Carsten	Chambers
Clark	DeCamp	Duis	Epke	Hasebroock
Johnson	Kelly	Kennedy	Kime	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marvel
Moylan	Murphy	Rasmussen	Richendifer	Schmit
Simpson	Stromer	Stull	Warner	Wiltse

Not voting, 5:

F. Carstens	Cavanaugh	Nore	Waldron	Whitney
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The Snyder motion lost with 14 ayes, 30 nays and 5 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 788. E & R amendments found in the Journal on page 1010 for the Forty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 625. E & R amendment found in the Journal on page 1026 for the Forty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1011. E & R amendments found in the Journal on page 1026 for the Forty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 905. E & R amendment found in the Journal on page 1026 for the Forty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1007. E & R amendment found in the Journal on page 1026 for the Forty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 812. E & R amendment found in the Journal on page 1026 for the Forty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 921. E & R amendments found in the Journal on page 1026 for the Forty-first Day were adopted.

Mr. Carpenter offered the following amendment which was adopted with 25 ayes, 0 nays and 24 not voting.

Strike from the Carpenter amendment on line 25 after "Welfare" and lines 26 through 31 "specify;"

Line 52, after "Operation" strike everything through lines 57

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 470. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office.)

LEGISLATIVE BILL 863. Placed on General File as amended.
Standing Committee amendments to LB 863:

1. Add 2 new sections to be know as sections 3 and 4
and to be read as follows:

"Sec. 3. That section 79-328, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-328. The State Board of Education shall have the power and it shall be its duty:

(1) To appoint and fix the compensation of the Commissioner of Education;

(2) To remove the commissioner from office at any time for conviction of any crime involving moral turpitude or felonious act, for inefficiency, or for willful and continuous disregard of his duties as commissioner or of the directives of the board;

(3) Upon recommendation of the commissioner, to appoint and fix the compensation of deputy commissioner and all professional employees of the board;

(4) To organize the State Department of Education into such divisions, branches, or sections as may be necessary or desirable to perform all its proper functions and to render maximum service to the board and to the state school system;

- (5) To provide, through the commissioner and his professional staff, enlightened professional leadership, guidance, and supervision of the state school system and, in order that the commissioner and his staff may carry out their duties, the board shall, through the commissioner, (a) provide supervisory and consultative services to the schools of the state, (b) issue materials helpful in the development, maintenance, and improvement of educational facilities and programs, (c) establish rules and regulations based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library facilities and materials, health and safety factors in buildings and grounds, and procedures for classifying, approving, and accrediting schools, for approving the opening of new schools, for the continued legal operation of all schools, and for the approval of high schools for the collection of nonresident high school tuition money in accordance with the rules and regulations provided for in this subdivision; Provided, that the State Board of Education shall approve a school for the collection of nonresident high school tuition money where a hardship would result to the students and a substantial effort is being made to comply with the rules and regulations established, (d) institute a statewide system of testing to determine the degree of achievement and accomplishment of all the students within the state's school system, if it determines such testing would be advisable, (d) prescribe a uniform system of records and accounting for keeping adequate educational and financial records, for gathering and reporting necessary educational data, and for evaluating educational progress, (f) cause to be published laws and regulations governing the schools and the school lands and funds, with explanatory notes for the guidance of those charged with the administration of the schools of the state, (g) approve teacher education programs conducted in Nebraska institutions of higher education designed for the purpose of certificating teachers, and (h) approve general plans and adopt educational policies, standards, rules, and regulations for carrying out the board's responsibilities and those assigned the State Department of Education by the Legislature;
- (6) To submit an annual report to the Governor and the Legislature covering the actions of the board, the operations of the State Department of Education, and the progress and needs of the schools, and to recommend such legislation as may be necessary to satisfy these needs;
- (7) To cause to be prepared and distributed reports designed to acquaint school district officers, teachers, and patrons of the schools with the conditions and needs of the schools;
- (8) To provide for consultation with professional educators and lay leaders for the purpose of securing advice deemed necessary in the formulation of policies and in the effectual discharge of its duties;
- (9) To cause such studies, investigations, and reports to be made and such information assembled as are necessary for the formulation of policies, for making plans, for evaluating the state school program, and for the making of essential and adequate reports;
- (10) To submit to the Governor and the Legislature a budget necessary to finance the state school program, under its jurisdiction, including the internal operation and maintenance of the State Department of Education;
- (11) To interpret its own policies, standards, rules, and regulations and, upon reasonable request, hear complaints and disputes arising therefrom;
- (12) With the advice of the Department of Motor Vehicles, to adopt reasonable standards, not inconsistent with existing statutes, governing:

(a) The general design, equipment, color, operation, and maintenance of any vehicle with a manufacturer's rated seating capacity of twelve or more passengers used for the transportation of school children; and (b) the equipment, operation, and maintenance of any vehicle with a capacity of ~~seven to and including eleven or less~~ passengers used for the transportation of school children, when such vehicles are either owned or operated, or owned and operated, by any school district, or privately owned or operated under contract with any school district in this state. Similar standards are to be adopted for operators of such vehicles as to physical and mental qualities, driving skills and practices, and knowledge of traffic laws and regulations which relate to school bus transportation. Such rules and regulations shall by reference be made a part of any such contract with a school district. Any officer or employee of any school district who violates any of the regulations or fails to include obligations to comply with the regulations in any contract executed by him on behalf of a school district shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of such regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district;

(13) To accept, on behalf of the Nebraska School for the Visually Handicapped, on behalf of the Nebraska School for the Deaf, or on behalf of any school for mentally retarded children which is exclusively owned by the State of Nebraska and under the control and supervision of the State Department of Education, devises of real property or donations or bequests of other property, or both, if in its judgment any such devise, donation, or bequest is for the best interest of any such school or the students attending thereat, or both; and

(14) Upon acceptance of any devise, donation, or bequest as provided in this section, to administer and carry out such devise or bequest in accordance with the terms and conditions thereof. If not prohibited by the terms and conditions of any such devise, donation, or bequest, it may sell, convey, exchange, or lease property so devised, donated, or bequeathed upon such terms and conditions as it deems best and deposit all money derived from any such sale or lease in the State Department of Education Trust Fund.

None of the duties prescribed in this section shall prevent the board from exercising such other duties as in its judgment may be necessary for the proper and legal exercise of its obligations.

Sec. 4. That section 79-488.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-488.05. When any vehicle with a manufacturer's rated seating capacity of twelve or more passengers used for transportation of children is sold by the district and used for any other purpose than for transportation of school children, such vehicle shall be painted a distinct color other than that prescribed by the State Board of Education, ~~when used to transport school children. The stop arms and system of alternately flashing warning signal lamps on such vehicle shall be removed.~~ Any person violating the provisions of this section shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

2. On page 5, line 2 insert "The stop arms and system of alternately flashing warning signal lamps shall not be operable through the usual controls.". after the period; and line 27 strike the new matter and insert a period.

3. Renumber original sections 3, 4, and 5 as sections 5, 6, and 7 respectively.

4. On page 6 strike the new matter in lines 1 to 8.
5. On page 7 lines 6 to 10 reinstate the stricken matter, lines 10 to 24 strike the new matter, line 6 insert "(1)" before reinstated "It", after line 11 insert 2 new subsections to be known as "(2)" and "(3)" and to read as follows:

"(2) It shall be the responsibility of any company or agency that provides transportation of pupils by school bus and contracts directly with the pupils or their parents, of the school board or board of education of the public schools, and of the governing authority of any private, denominational, or parochial school in this state to provide, at least twice during each school year to each pupil who is transported in a school bus, instruction in safe riding practice and participation in emergency evacuation drills.

(3) The operators of school buses equipped with lap belts shall be required to wear them whenever the vehicle is in motion."

6. On page 7 line 25 strike "section" and insert "sections 79-328, 79-488.05, and".

LEGISLATIVE BILL 885. Placed on General File as amended.
Standing Committee amendments to LB 885:

1. On page 3, line 6 strike " " after "education" and insert " ".

2. On page 3, strike lines 7 to 9 and insert the following: "The school board or board of education may request that a special committee of not less than three of the members of the school board or board of education hold the hearing and make a written recommendation to the full board. Such special committee must hold the hearing at least five days before the meeting of the school board or board of education at which the expulsion or suspension will be decided. The full school board or board of education shall make the final decision concerning suspension or expulsion."

3. On page 3, line 10 strike "education".

(Signed) Jerome Warner, Chairman

VISITORS

President Marsh introduced Mrs. William Skarda and Mrs. Steve Tomasek, wife of the General Manager of Falstaff Brewery; 40 Fifth and Sixth Grade students and their teachers from Humphrey School, Humphrey, Nebraska; Mrs. Ruth Richendifer, mother of Mr. Blair Richendifer, from Bladen, Nebraska; 46 First Grade students and their teachers, student teacher and parents from Kahoa School, Lincoln, Nebraska; Mrs. Dick Fellman and three children from Omaha, Nebraska; 18 Senior High School students and their teachers from Hershey, Nebraska; 40 Junior High School students and teachers from Stanton High School, Stanton, Nebraska.

RECESS

At 12:07 p.m., on a motion by Mr. Syas, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:01 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Mr. Nore who was excused and Mr. Burbach who was absent until 2:30 p.m.

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 1035. Placed on General File as amended.
Standing Committee amendments to LB 1035:

1. On page 18, line 7 strike "commercial" and insert "pesticide"; in line 13 strike "commercial" and insert "pesticide"; and in line 25 strike "licensee" and insert "licensed applicator".
2. On page 19, line 5 strike "licensee" and insert "licensed applicator"; in line 7 strike "certified" and insert "commercial"; and in line 10 strike "commercial" and insert "licensed".
3. On page 34, line 24 after "may" insert "initiate action to".
4. On page 35, line 1 after "be" strike the remainder of the line; strike lines 2 to 11 and insert "conducted pursuant to the provisions of Chapter 84, article 9."

(Signed) Loran Schmit, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 951. Replaced on Select File as amended.
E & R amendments to LB 951:

1. In line 5 of E & R 1, strike "change" and insert "statement".
2. In the title, line 4, strike "provide" and insert "clarify provisions for"; in line 5 strike "registration" and insert "filing statements of change"; and in lines 6 and 7 strike "require a registration fee" and insert "provide fees".

LEGISLATIVE BILL 660. Replaced on Select File as amended.
E & R amendments to LB 660:

1. On page 2, line 14, insert "mass" after "public".
2. In E & R amendment 5, line 1, strike "committee" and insert "the Duis".

LEGISLATIVE BILL 733. Replaced on Select File as amended.
E & R amendments to LB 733:

1. Strike E & R amendment 1 adopted 3/5.

2. Strike the E & R amendment to the title, lines 6 and 7.

LEGISLATIVE BILL 354. Placed on Select File as amended. E & R amendments to LB 354:

1. In committee amendments, page 2, line 19, strike "(48)" and insert "(52)"; and in line 21 insert a comma after "60".

2. In committee amendments, page 3, line 6, insert "Sec. 15." before "The"; and in line 14 insert ", Reissue Revised Statutes of Nebraska, 1943, and amendments thereto" after "16".

3. In committee amendments, page 5, line 18, strike "unless".

4. In committee amendments, page 7, line 15, insert "line 2," after the first comma; and in line 16 insert a comma after the second "terms".

5. In committee amendments, page 8, line 20, insert "in line 16 insert a comma after 'renounced' " after the semicolon; and in line 20 insert "and insert a comma" after "semicolon".

6. In committee amendments, page 10, insert a comma after "therein" in line 17 and after "purchases" in line 23.

7. In committee amendments, page 12, line 1, strike "58" and insert "59".

8. In committee amendments, page 15, strike lines 24 and 25 and insert:

"56. On page 77, line 4, insert '(a) (1) and 20 (a) (2)' after '20'; in."

9. In committee amendments, page 19, line 14 insert "creditor has a" after "any"; in line 16 strike the comma and insert "and"; and in line 22 strike the period and insert a semicolon.

10. In committee amendments, page 26, line 25, insert "the first" after "after".

11. In committee amendments, page 30, strike lines 13 to 16.

12. Because of the Luedtke amendment 10, strike the committee amendment to page 115, line 12.

13. In lieu of the F. Carstens amendment, on page 222, line 26, strike "1975" and insert "1977".

14. Strike the comma on page 5, line 27, page 17, lines 2 and 5, page 47, line 3, page 59, line 16, page 60, lines 3 and 7, line 64, line 19, page 65, line 15, page 66, lines 11 and 27, page 67, line 23, page 70, line 20, page 76, lines 16 and 26, page 81, line 3, page 89, line 4,

page 91, line 6, page 94, lines 5 and 18, page 98, line 14, page 103, line 9, page 107, line 7, page 111, line 8, page 125, line 14, page 131, line 14, page 132, lines 4 and 5, page 141, line 18, page 176, line 13, page 177, lines 5 and 17, page 186, line 17, and page 214, line 13.

15. Strike the first comma on page 62, line 25, page 65, line 24, page 136, line 1, page 137, line 15, page 152, line 25, and page 195, line 20.

16. Strike the second comma on page 67, line 25, and page 168, line 25.

17. Insert a comma on page 4 at the end of line 4, on page 5, at the end of line 26, on page 6 at the end of line 24, on page 44 after "65" in lines 10 and 13, on page 45 after "if" in line 18, on page 62 after "accord" in line 26, on page 68 after "94" in line 24, on page 69 after "or" in line 25, on page 97 at the end of line 14, on page 105 after "and" in line 5, on page 112 after "corepresentative" in line 27, on page 122 after "administration" in line 7, on page 129 after "(2)" in line 27, on page 132 after "court" in line 18, on page 135 after "hearing" in line 26, on page 172 after "forth" in line 21, on page 177 at the end of line 21, on page 178 at the end of line 8, on page 180 after "court" in line 13, on page 185 after "transaction" in line 11, on page 189 after "assets" in line 1, on page 189 after the first "or" in line 22, on page 189 after "conservator" in line 26, on page 191, after "person" in line 22, and on page 219 after "skills" in line 10.

18. On page 13, line 12, strike "constitution" and insert "Constitution of Nebraska".

19. On page 20, line 25, strike the period and insert a semicolon.

20. On page 29, line 4, strike "net".

21. On page 32, line 7, strike "this" and insert "his".

22. On page 44, line 24, insert "the" after "at".

23. On page 45, insert a period at the end of line 23.

24. On page 55, line 18, strike ", or" and insert "or,".

25. On page 64, line 5, strike the semicolon and insert a period.

26. On page 69, line 13, and page 72, line 17, strike "9(20)" and insert "9(21)".

27. On page 73, line 20, strike "informal" and insert "in formal".

28. On page 85, line 1, strike "command" and insert "commenced".

29. On page 88, line 6, strike "or" and insert "on".

30. On page 95, line 22, strike "of" and insert "or".

31. On page 98, line 23, strike "the" and insert "this".

32. On page 111, line 25, strike the semicolon and insert a comma.

33. On page 130, line 3, strike ", or" and insert "or,".

34. On page 134, line 15, insert "the" after "by"; and in line 21 strike the second "the".

35. On page 138, line 4, strike "or have"; and in line 7 strike the period and insert a semicolon.

36. On page 145, line 22, strike the comma and insert "and".

37. On page 154, line 13, strike ", if" and insert "if,".

38. On page 158, insert "such" at the end of line 8.

39. On page 161, line 5, strike ", if" and insert "if,".

40. On page 163, line 8, insert "and" after the first comma.

41. On page 165, line 21, strike the comma and insert "or".

42. On page 175, line 19, strike the semicolon and insert a colon.

43. On page 204, line 16, strike "and" and insert "are".

44. On page 47, line 17, page 51, lines 3, 6, and 9, and page 223, lines 18 and 23, strike "effective" and insert "operative".

45. In the title, line 2, strike "Uniform" and insert "Nebraska"; and strike lines 4 to 7 and insert 8-136, 21-1797, 21-1798, and 40-117, Reissue Revised Statutes of Nebraska, 1943, sections 24-606 to 24-618, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, sections 25-21,168, to 25-21,179, Revised Statutes Supplement, 1972, section 8-410.01, Revised Statutes Supplement, 1973, all of Chapter 30, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, except sections 30-103.01, 30-104, 30-121 to 30-128, 30-238 to 30-243, 30-333, 30-809, and 30-810, and article 16, and all of Chapter 38, Reissue Revised Statutes of Nebraska,

1943, and amendments thereto, except sections 38-101, 38-114 to 38-117, and 38-509, and articles 10 and 11".

LEGISLATIVE BILL 755. Placed on Select File as amended.

E & R amendments to LB 755:

1. The F Carstens amendments 3 and 4 having removed all amendatory matter therefrom, strike sections 6 and 10; and renumber original sections 7 to 9 as sections 6 to 8 and original section 11 as section 9.

2. On page 6, line 15, insert an underscored comma after "distributees".

3. On page 12, line 23, insert "and" after the fourth comma and strike "30-601," and "and 30-1415,".

4. In the title, line 3, insert "and" after the third comma and strike "30-601," and "and 30-1415,"; strike lines 7 to 12 and insert "decedents' estates; to increase allowance and defeasible right to personal property; to provide for the setting of hearings; to shorten time periods in estate proceedings; and".

LEGISLATIVE BILL 782. Placed on Select File as amended.

E & R amendments to LB 782:

1. On page 2, line 6, strike the comma; in line 7 strike "of the office" and insert "thereof"; in line 13 strike "much of" and insert "great"; and in line 15, strike "theorems" and insert "theories".

2. On page 3, line 4, strike "of such county"; strike lines 8 and 9 and insert "47-101 to 47-104."; in line 12 strike "passage" and insert "effective date"; in line 16 strike "in such county"; and strike lines 19 and 20 and insert "provided in Chapter 47, article 1.".

3. In the Fellman amendment 1, line 4, insert "confined in the county jail" after "persons".

4. In section 5, lines 4 and 5, strike "division shall consist of a" and insert "administrative officer of the division shall be the"; in line 7 strike the comma; and in lines 11 and 12 strike "the effective date of this act" and insert "such date".

5. In the Fellman amendment 2, line 5, insert "sheriff's office" after the second "the".

6. In section 6, line 2, and renumbered section 9, line 2, strike "1973" and insert "1972".

7. In section 6, line 7, strike "and one" and insert ". One member"; in line 13 insert "shall be" after "neither" and strike "nor" and insert "nor or an"; and insert an underscored comma at the end of line 22.

8. In renumbered section 8, line 1, strike "This" and insert "Except for purposes of section 3 of this act, this".

9. In the title, strike lines 2 to 5 and

insert:

"FOR AN ACT relating to jails; to state policy; to provide for a county board of corrections and a division of corrections in certain counties as prescribed; to amend section 23-1723, Revised Statutes Supplement, 1972; to enlarge the sheriff's office merit commission; to provide for status; to provide an operative date; and to declare an emergency."

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE BILL 877. E & R amendments found in the Journal on page 1027 for the Forty-first Day were adopted.

Laid over.

LEGISLATIVE BILL 1028. E & R amendments found in the Journal on page 1028 for the Forty-first Day were adopted.

Mr. Carpenter offered the following amendments:

1. Before section 1 insert two new sections as follows:

"Section 1. That section 59-821, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

59-821. Any person who shall be injured in his business or property by any other person or persons, by reason of anything forbidden or declared to be unlawful by sections 59-801 to 59-828 may sue therefor in any court of record in this state, in the county in which the defendant or defendants reside or are found, without respect to the amount in controversy, and shall recover ~~threefold the damages by him sustained~~ actual damages or liquidated damages in an amount which bears a reasonable relation to the actual damages which have been sustained and which damages are not susceptible of measurement by ordinary pecuniary standards and the costs of suit, including a reasonable attorney's fee.

Sec. 2. That section 59-828, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

59-828. (1) It is hereby made the duty of the Attorney General and the county attorney of each county under the direction of the Attorney General to institute and prosecute such proceedings as may be necessary to carry into effect all of the provisions of sections

59-801 to 59-828; Provided, no person shall be prosecuted or be subjected to any penalty or forfeiture for, or an account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit or prosecution under said sections; provided, further, no person testifying shall be exempt from prosecution or punishment for perjury committed in so testifying.

(2) It shall be lawful for any person to institute proceedings pursuant to the provisions of Chapter 59, article 8 at his own expense and by his own attorney, but in the action so brought by such person no recovery for costs and disbursements shall be had against the state."

2. After section 3 of the Carpenter amendment insert the following:
"Sec. 6. It shall be unlawful for any person to:

(1) Make any contract with, or engage in any combination or conspiracy with, any other person who is, or but for a prior agreement would be, a competitor of such person:

(a) For the purpose of fixing, controlling, or maintaining the price or rate charged for any commodity sold or bought by the parties thereto, or the fee charged or paid for any service performed or received by the parties thereto;

(b) Fixing, controlling, maintaining, limiting, or discontinuing the production, manufacture, mining, sale or supply of any commodity, or the sale or supply of any service, for the purpose or with the effect stated in subdivision (a) of subsection (1);

(c) Allocating or dividing customers, territories, supplies, sales, or markets, functional or geographical, for any commodity or service;

(2) By contract, combination, or conspiracy with one or more other persons unreasonably restrain trade or commerce;

(3) Establish, maintain, use, or attempt to acquire monopoly power over any substantial part of trade or commerce of this state for the purpose of excluding competition or of controlling, fixing, or maintaining prices in such trade or commerce; or

(4) Lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies, or other commodities, or services, whether patented or unpatented, for use, consumption, enjoyment, or resale, or fix a price charged thereof, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies, or other commodity or service of a competitor or competitors of the lessor or seller, where the effect of such lease, sale or contract for such sale or such condition, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly in any line of commerce.

Sec. 7. Any person violating the provisions of section 6 of this act shall be guilty of a felony and shall, upon conviction

thereof, be punished by a fine of not less than one thousand dollars nor more than two thousand dollars, or by imprisonment in the Nebraska Penal and Correctional Complex for not less than six months nor more than one year, or by both such fine and imprisonment.

Sec. 8. When any provision of this act or any provision of Chapter 59 is the same or similar to the language of a federal anti-trust law, the courts of this state in construing this act shall follow the construction given to the federal law by the federal courts."

"Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

3. Renumber original sections 1 to 3 as sections 3 to 5 respectively.

4. In the original bill in section 2, on page 2, line 19 strike "section" and insert "sections 59-821, 59-828, and"; and in line 20 strike "is" and insert "are"; and renumber original section 2 as section 9.

5. On page 2 after line 20 insert a new section as follows:

"Sec. 4. If any section in this act or any part or any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining provisions thereof."; and renumber original section 2 as section 5.

The amendments were adopted with 31 ayes, 0 nays and 18 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1028A. Mr. Schmit offered the following amendment:

1. On page 2 after line 14 insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

The amendments was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 957. E & R amendments found in the Journal on page 1029 for the Forty-first Day were adopted.

Mr. Fellman moved to indefinitely postpone.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays and 17 not voting.

The Fellman motion to indefinitely postpone lost with 17 ayes, 20 nays and 12 not voting.

Mr. Proud asked unanimous consent to bracket LB 957. No objections. So ordered.

LEGISLATIVE BILL 961. E & R amendment found in the Journal on page 1030 for the Forty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 499. E & R amendments found in the Journal on page 1030 for the Forty-first Day were adopted.

Mr. Barnett offered the following amendments:

1. In the Barnett amendment 1, lines 4 and 5 strike "State Investment Officer" and insert "Department of Veterans' Affairs".

2. Insert a new section 6 to read:

"Sec. 6. The Department of Veterans' Affairs shall administer the provisions of this act. The department shall lend money to students on the basis of need. The standards for need shall be determined by the department."

The amendments were adopted with 26 ayes, 2 nays and 21 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 790A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 865A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 983A. Mr. Carpenter offered the following amendment:

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 614. Mr. Fellman asked unanimous consent to withdraw his pending specific amendment found in this day's Journal. No objections. So ordered.

Laid over at the request of Mr. Fellman.

MOTION—Return LB 983 to Select File

Mr. Carpenter moved to return LB 983 to Select File for the following specific amendment:

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 983. The Carpenter specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. Sndyer asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 865 on Select File

Mr. Anderson asked unanimous consent to unbracket LB 865 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 865. Advanced to E & R for Engrossment.

MOTION—Return LB 293 to Select File

Mr. Simpson moved to return LB 293 to Select File for the following specific amendment:

1. On page 4, line 14, after "landlord" insert "or tenant".

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 293. The Simpson specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 602. Mr. Burbach offered the following amendment to the Marsh pending amendment found in this day's Journal.

1. On page 6 line 9 after "industry" insert: "or agricultural purposes".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

The Marsh pending amendment, found in this day's Journal was adopted, as amended with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 763. Mr. Richendifer asked unanimous consent to withdraw his pending amendments found in the Journal on page 520 for the Twenty-third Day. No objections. So ordered.

Mr. Richendifer renewed his amendments found in the Journal on page 520 for the Twenty-third Day.

Mr. Richendifer offered the following amendments to the amendments on page 520:

1. On page 2, insert "than two and one half inches nor more" at the end of line 9.

2. In the Richendifer amendments found on pages 520 and 521 of the Journal, line 7, insert "passenger vehicle" after "designed"; in line 9 strike "the year 1976 only" and insert "four years"; and in line 18, strike "1977" and insert "1980".

The amendments were adopted with 25 ayes, 0 nays and 24 not voting.

The Richendifer amendments as amended were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Richendifer asked unanimous consent to withdraw his pending amendments on page 682 for the Thirty-first Day. No objections. So ordered.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Members Excused

Messrs. Clark and Burbach asked unanimous consent to be excused Tuesday morning, March 12. No objections. So ordered.

Mr. Kremer asked unanimous consent to be excused Wednesday afternoon and Thursday and Friday this week. No objections. So ordered.

ANNOUNCEMENT

Mr. Carpenter announced an Executive Board meeting at 1:00 p.m., Wednesday, March 13.

STANDING COMMITTEE REPORTS**Labor**

LEGISLATIVE BILL 1045. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

Education

LEGISLATIVE BILL 856. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

ANNOUNCEMENT

Mr. Marvel announced an executive session of the Appropriations Committee at 8:00 a.m., Wednesday, March 13.

MOTION—Return LB 736 to Legislature

Mr. Luedtke moved to direct the Clerk to request the Governor to return LB 736 to the Legislature for further consideration.

The motion lost with 12 ayes, 16 nays and 21 not voting.

UNANIMOUS CONSENT—Expedite LB 1028 and LB 1028A

Mr. Carpenter asked unanimous consent to expedite LB 1028 and LB 1028A. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Stahmer asked unanimous consent to print the following in the Journal. No objections. So ordered.

“Dear Speaker Proud,

Might I humbly suggest the following order for consideration of bills on General File.

1. Committee bills carried over from last year.
2. Individual bills carried over from last year.
3. Committee bills introduced before 11th Legislative Day, in order of introduction.
4. Individual bills introduced before 11th Legislative Day, in order of introduction.
5. Committee bills introduced after 10th Legislative Day, in order of introduction.

6. Individual bills introduced after 10th Legislative Day, in order of introduction.

(Signed) David Stahmer, 8th District."

UNANIMOUS CONSENT—Bracket LB 783 on General File

Mr. Fowler asked unanimous consent to bracket LB 783 on General File for March 21. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 122. By Duis, 39th District.

WHEREAS, insurance rates in connection with Workmen's Compensation Laws are of statewide interest because of their financial impact, not only on industry as a whole, but on the insurance industry itself; and

WHEREAS, a study should be made of the effect of interim rate changes and common policy dates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee perform an in-depth study of the Workmen's Compensation Laws with particular emphasis on interim rate changes in small business audits and a common effective date for insurance policies of the nature contemplated by this resolution.

Referred to the Executive Board.

VISITORS

President Marsh introduced 6 Fourth and Sixth Grade students and teachers from Wheeler Central School, Bartlett, Nebraska.

ADJOURNMENT

At 4:24 p.m., on a motion by Mr. Syas, the Legislature adjourned until 9:00 a.m., Tuesday, March 12, 1974.

Vincent D. Brown
Clerk of the Legislature

FORTY-THIRD DAY—MARCH 12, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 12, 1974

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

Almighty Father, may the members of this assembly never be overly oppressed by some bill of theirs that may be defeated, or unduly optimistic because other legislation is going their way. Give them the ground of courage to take defeat and victory as part of their office and to have spiritual and mental resilience to overcome depression and be willing to launch forth into new and needed areas. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach and Clark who were excused, Mr. Keyes who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1045, line 17, insert "Re-" before "Engrossment".
The Journal for the Forty-second Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Kennedy asked unanimous consent to be excused Monday, March 18 until he arrives. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Speaker Proud asked unanimous consent to print the following in the Journal. No objections. So ordered.

March 11, 1974

MEMORANDUM

From: Richard F. Proud, Speaker
To: Members of the Nebraska Legislature
Subject: Meeting with President Richard Nixon

At about 12:05 p.m. Thursday, March 7, I met with President Nixon in the Oval Room of the White House. The only other person present was the President's Chief Assistant for domestic affairs, Kenneth Cole. The meeting was arranged by another assistant, James Falk.

The President was very gracious and after brief formalities he initiated the conversation by stressing three points concerning the energy crises:

1. Natural gas should be de-regulated and our Legislature should pass a resolution to that effect.
2. Some environmental matters should be deferred so that we can mine coal.
3. We must produce gas in Elk Hills, California.

He said he was aware of our resolutions to roll back the price of diesel fuel and to increase the highway speed limits. He said he could understand why the Legislature voted to roll back the price of diesel fuel because everybody would like the price decreased, but he said if that was done our fuel supplies would be depleted and therefore he could not approve that particular resolution. As to increasing the speed limits he said that he knows that all parts of the country are not the same, and I got the impression that he might give consideration to this problem in the Midlands.

He stated that the prospects for breaking the energy crisis are excellent. I then explained to him as best I could that our independent truckers are not satisfied with the settlement of the truckers strike particularly because many of them have their trucks mortgaged and they need to operate at a higher speed because at 55 miles per hour their trucks do not operate efficiently and their profits are diminished when they are required to run at such maximum speed.

I explained grave concern over the plight of our cattle feeders and told him that some of them are being forced out of business and many are taking great losses.

I told him that he was not "getting through" sufficiently to the people in this country and that we here in the Midlands feel that our voices are

not heard strongly enough by the administration. I suggested that he have some of his top administrative leaders meet with our Nebraska or Midlands leaders for the purpose of explaining in much more detail the problems we are experiencing because of the energy crisis. I said that our people in the trucking industry, cattle feeding industry, etc. would be glad to come to Washington. He said "How about my administrators going to Nebraska". I said that this would be wonderful to which he replied "it is ordered". Just previous to this I had mentioned such administrative leaders as Messrs. Butz, Yeutter, and Paarlberg.

I also suggested that he hold some type of "town hall" meetings so that he would have an opportunity to visit with the "man on the street". He seemed receptive to this idea and told Kenneth Cole to explore this with another one of his aids.

I would estimate that the total time I spent with President Nixon was 25 minutes.

Since returning to Lincoln I have talked with James Falk, and he is going to help with the details of the meeting the President ordered.

(Signed) Richard F. Proud

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 815. Replaced on Select File as amended.
E & R amendments to LB 815:

1. In line 3 of E & R 3 insert "after 'performance' in line 7" after the first "and".
2. On page 5, line 26, insert "of" after "person".
3. On page 6, line 5, insert "the" after "that".
4. In line 3 of E & R 6 insert "the first" after "after".
5. On page 11, line 3, strike the period and insert a semicolon; and at the end of line 10 insert "and".

LEGISLATIVE BILL 808. Placed on Select File as amended.
E & R amendments to LB 808:

1. On page 12, line 16, strike "that".
2. On page 13, line 23, strike the comma.
3. For correlation purposes, on page 2, line 2, page 14, line 27, and in the title, line 4, insert ", as amended by section 1, Legislative Bill 807, Eighty-third Legislature, Second Session, 1974" after "1973"; on page 5, line 3, after the period start a new paragraph to read:
"In any case in which there shall be a loss or loss of use of more than one member or parts of more than one member set forth in this subdivision, but not

amounting to total and permanent disability, compensation benefits shall be paid for the loss or loss of use of each such member or part thereof, with the periods of benefits to run consecutively.”; in line 3 strike “loss” and insert “total loss or permanent total loss of use”; in line 5 insert “in one accident,” after the comma; and in line 7 insert “In all other cases involving a loss or loss of use of both hands, both arms, both feet, both legs, both eyes, or of any two thereof, total and permanent disability shall be determined in accordance with the facts.” after the period.

(Signed) John J. Cavanaugh, Chairman

MOTION—Return LB 984 to Select File

Mr. Warner moved to return LB 984 to Select File for the following specific amendment:

1. In the Final Reading Bill, page 9, line 8, strike “71-4,168” and insert “79-4,168”.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 984. The Warner specific amendment found in this day’s Journal was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 629 to Select File

Mr. Snyder moved to return LB 629 to Select File for the following specific amendment:

1. Strike all amendments except standing committee amendments 1 and 2, the Keyes amendment adopted 2/27, and E & R amendment 1.

2. Strike original sections 1 to 5.

3. Insert the new section added by the Keyes amendment adopted 2/27 as section 3.

4. In section 1, lines 36 and 38, insert “or county” after “municipality”.

5. In the title, strike lines 2 to 4 and insert:

“FOR AN ACT to amend section 31-740, Revised Statutes Supplement, 1973, relating to sanitary

and improvement districts; to provide for the approval of improvement plans as prescribed; to repeal the original section; and to declare an emergency.”.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 629. The Snyder specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 877. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 614. Advanced to E & R for Re-Engrossment.

MOTION—Return LB 614 to Select File

Mr. Fellman moved to return LB 614 to Select File for the following specific amendment:

To ban cash contributions over \$50.00.

The motion prevailed with 26 ayes, 1 nay and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 614. The Fellman specific amendment found in this day's Journal was adopted with 28 ayes, 1 nay and 20 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 951. E & R amendments found in the Journal on page 1051 for the Forty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 660. E & R amendments found in the Journal on page 1051 for the Forty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 733. E & R amendments found in the Journal on page 1051 for the Forty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 354. E & R amendments found in the Journal on page 1052 for the Forty-second Day were adopted.

Messrs. Luedtke and F. Carstens offered the following amendment:

1. On page 149, line 23 strike "five" and insert "ten".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 755. E & R amendments found in the Journal on page 1055 for the Forty-second Day were adopted.

Messrs. Luedtke and F. Carstens offered the following amendment:

1. On page 7, line 24 strike "one" and insert "two".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 782. E & R amendments found in the Journal on page 1055 for the Forty-second Day were adopted.

The Fellman amendment found in the Journal on page 1019 for the Forty-first Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

MOTION—Reconsider Action on LB 779

Mr. Warner moved to reconsider action on LB 779 on Final Reading.

Mr. Warner requested a roll call vote.

Voting in the affirmative, 21:

C. Carsten	Chambers	DeCamp	Dickinson	Epke
Johnson	Kelly	Kennedy	Kime	Kremer
R. Lewis	Maresh	Marsh	Murphy	Proud
Richendifer	Schmit	Stromer	Stull	Warner
Whitney				

Voting in the negative, 17:

Anderson	Carpenter	Fellman	Fowler	Goodrich
F. Lewis	Mahoney	Marvel	Moylan	Nore
Rasmussen	Savage	Skarda	Snyder	Stahmer
Syas	Wiltse			

Not voting, 11:

Barnett	Burbach	F. Carstens	Cavanaugh	Clark
Duis	Hasebroock	Keyes	Luedtke	Simpson
Waldron				

The motion lost with 21 ayes, 17 nays and 11 not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 154
March 11, 1974

RE: L.B. 960 of the 1974 Legislature

Dear Senator Fowler:

If enacted into operative law, L. B. 960 of the Eighty-Third Legislature, Second Session, would provide for the sale of certain personal property to which services have been performed or money or material advanced. It would repeal Neb. Rev. Stat. Sec. 52-601 (Supp. 1972) and would also repeal Neb. Rev. Stat. Sections 52-602 to 52-605 (Reissue 1968). You have asked if persons described in L. B. 960, who are authorized to sell certain personal property of another, are required under that legislative bill to pay the owner of such personal property, upon demand, the proceeds of the sale after the services performed or money or material advanced on such property has been satisfied.

Section 1 of L. B. 960 as amended on 18 February 1974, declares:

"A person who shall perform work or labor, or exert care or diligence, or who shall advance money or material upon personal property under a contract, expressed or implied, and who holds such property for a period of one hundred eighty days, may dispose of the property by sale or other manner. Such disposition shall not occur until thirty days after the mailing of a written notice of the intended disposition by certified mail, return receipt requested, to the last-known address of the owner of the personal property to be disposed of, and to any lien or security interest holder of record."

It therefore seems clear that persons described in section 1 of L. B. 960, who are authorized to sell certain personal property of another, are not required under that legislative bill to pay the owner of such personal property the proceeds of the sale after the services performed or money or material advanced on such property has been satisfied. We are therefore of the opinion that your question must be and it is answered in the negative.

Section 7 of Article VII of the Constitution of Nebraska, in part, declares that the net proceeds of lands and other property and effects that

may come to this state by "forfeiture" are declared to be perpetual funds for common school purposes of which the annual interest or income only can be appropriated. In the case of *Arthur v. Trindel*, 168 Neb. 429, 439, 96 N.W. 2d 208 (1959), the court noted that the terms "penalty" and "forfeiture" are often declared to be synonymous, but they are not so in all cases. The court went on to point out that the term "penalty" is pecuniary whereas the term "forfeiture" is a penalty by which a person loses his rights and interest in property. It would therefore appear that the word "forfeiture" in Section 7 of Article VII of the Constitution of Nebraska is used in the sense of one losing his right or interest in property. If that premise is correct, then the forfeiture authorized by L. B. 960 may be in violation of Section 7 of Article VII of the Constitution of Nebraska.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:ejg

cc: Mr. Vincent D. Brown

MOTION—Return LB 877 to Select File

Mr. Fellman moved to return LB 877 to Select File with the following specific amendments:

AMENDMENTS TO LB 877

- 2 1. Insert a new section 4 to read:
- 3 "Sec. 4. That section 77-27,132, Revised
- 4 Statutes Supplement, 1972, be amended to read as follows:
- 5 77-27,132. (1) There is hereby created a fund to
- 6 be designated Tax Refund Fund which shall be set apart
- 7 and maintained by the State Treasurer for prompt payments
- 8 of all tax refunds under the provisions of sections
- 9 77-2701 to 77-27,135. Such fund shall be in such amount
- 10 as the Tax Commissioner shall determine is necessary to
- 11 meet current refunding requirements under the provisions
- 12 of section 66-461 and sections 77-2701 to 77-27,135. Any
- 13 money in the Tax Refund Fund available for investment
- 14 shall be invested by the state investment officer
- 15 pursuant to the provisions of sections 72-1237 to
- 16 72-1259.
- 17 (2) The Tax Commissioner shall pay to a
- 18 depository bank designated by the State Treasurer all
- 19 amounts collected under the provisions of sections
- 20 77-2701 to 77-27,135. The Tax Commissioner shall present
- 21 to the State Treasurer bank receipts showing amounts so

22 deposited in the aforementioned bank and of the amounts
23 so deposited the State Treasurer shall (a) first credit
24 to the Tax Refund Fund such amounts as are necessary to
25 maintain such Tax Refund Fund at the level required by
1 subsection (1) of this section, ~~and (b) then credit to~~
2 the Highway Allocation Fund all of the proceeds of the
3 sales and use taxes derived from motor vehicles,
4 trailers, and semitrailers, ~~and (c) then credit to the~~
5 Democratic Party Election Fund and the Republican Party
6 Election Fund all respective proceeds from the election
7 fund designations on resident individual income tax
8 returns. The balance of the amounts so paid shall be
9 credited to the General Fund.”.

10 2. Insert a new section 5 to read:

11 “Sec. 5. All resident individual income tax
12 forms required to be filed pursuant to section 77-2761
13 shall contain a section which shall be titled Political
14 Election Campaign Fund.

15 The individual filing the return may use this
16 section of the tax form to designate that one dollar of
17 the individual’s income tax shall be credited to the
18 election fund of the political party of his choice.
19 Individuals filing a joint return may each make such a
20 designation.”.

21 3. On page 8, line 15, insert “section
22 77-27,132, Revised Statutes Supplement, 1972 and” after
23 “original”.

24 4. Renumber original section 4 as section 6.

Mr. Fellman moved for a Call of the House. The motion prevailed with 20 ayes, 10 nays and 19 not voting.

The Call showed 47 members present.

The Fellman motion prevailed with 26 ayes, 9 nays and 14 not voting.

Speaker Proud moved the Call be raised. The motion prevailed with 27 ayes, 2 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 877. Mr. Fellman renewed his specific amendments 1 through 4 found in this day’s Journal.

Mr. Carpenter moved the previous question. The question is “Shall the debate now close?” The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The Fellman specific amendment lost with 15 ayes, 25 nays and 9 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 877 to Select File

Mr. Fellman moved to return LB 877 to Select File for the following specific amendment.

On page 4 section 5, delete references to the contribution limit of one thousand dollars

The motion prevailed with 25 ayes, 6 nays and 18 not voting.

SELECT FILE

LEGISLATIVE BILL 877. The Fellman specific amendment found above in this day's Journal lost with 11 ayes, 19 nays and 19 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 877 to Select File

Mr. Carpenter moved to return LB 877 to Select File for the following specific amendments:

Section 1. All receipts and expenditures under sections 32-1134 to 32-1155, Revised Statutes Supplement, 1973, shall be handled only as provided in this act.

Sec. 2. Any candidate for any elective state office named in the Constitution of Nebraska immediately upon entering any financial transaction preliminary to announcing his candidacy or filing for election, shall open a bank checking account into which shall be deposited all receipts by him or by others on behalf of his candidacy and all amounts of his own funds which are to be spent by the candidate on behalf of his candidacy. Such account shall be clearly identified as a political campaign account. For purposes of this act, the incumbent of any office who is not barred from seeking reelection shall be deemed a candidate for such office until he announces his candidacy or files for election for another office or until expiration of the time allowed for filing for reelection without having so filed.

Sec. 3. All deposits to the account required by section 2 of this act shall be made out by a deposit slip to be prescribed by the Secretary of State. Such deposit slip shall be uniform for all candidates except for bank and account identification, shall provide for the separate listing of each item of receipt with a statement of the amount and the name of the contributor, his address and employment, and shall be signed by a person authorized to sign checks drawn against the account.

Sec. 4. All disbursements from the account required by section 2 of this act shall be made out by a check form to be prescribed by the Secretary of State. Such check form shall be uniform for all candidates except for bank and account identification and shall clearly indicate the name of the candidate and the office to which he seeks election and the purpose for which the payment is being made. No payment for any campaign expense shall be made to any vendor except by means of such check form.

Sec. 5. Except during the last two months before any primary or general election, each candidate shall, on the first business day of each month, make a complete, detailed, and accurate report to the Secretary of State of all campaign receipts and disbursements to the date of the report. During the last two months prior to the election, such report shall be made on the first and fifteenth business days of each month. A final report covering the period ending with the primary election shall be made on the first business day of the month following the election. A final report covering the entire campaign period shall be made on the first business day of the month following the general election. No such report shall be required for any period during which there have been made no deposits to or withdrawals from the account. The form of such reports shall be prescribed and furnished by the Secretary of State.

Sec. 6. Each bank in which is maintained any account required by section 2 of this act shall mail to the Secretary of State copies of the ledger sheet or account showing all deposit amounts and checks or other withdrawal amounts on the account made by the candidate covered by section 2 of this act at the same time and in the same manner as set forth in section 5 of this act. No liability toward any candidate shall accrue to such bank because of compliance with this section.

Sec. 7. Any campaign expense or obligation remaining unpaid on election day shall be reported to the Secretary of State as an outstanding obligation of the candidate. The report shall list the dollar amount and the name, address, and occupation of the obligee.

Sec. 8. Any person who shall wilfully violate any provision of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined one hundred dollars for each offense.

Motion pending. Laid over.

MOTION—Return LB 616 to Select File

Speaker Proud moved to return LB 616 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Nore requested a record vote.

Mr. Proud requested a roll call vote.

Voting in the affirmative, 16:

Cavanaugh	Dickinson	Fellman	Fowler	Goodrich
Keyes	R. Lewis	Marsh	Proud	Savage
Skarda	Snyder	Stahmer	Stromer	Syas
Whitney				

Voting in the negative, 20:

Anderson	Carpenter	C. Carsten	DeCamp	Duis
Epke	Hasebroock	Johnson	Kime	Kremer
Luedtke	Mahoney	Maresh	Marvel	Nore
Rasmussen	Richendifer	Schmit	Stull	Warner

Not voting, 13:

Barnett	Burbach	F. Carstens	Chambers	Clark
Kelley	Kennedy	F. Lewis	Moylan	Murphy
Simpson	Waldron	Wiltse		

The motion lost with 16 ayes, 20 nays and 13 not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bill was correctly re-engrossed: 984.

Correctly Enrolled

The following bills were correctly enrolled: 641, 694, 734, 779, 784, 796, 813, 822, 829, 893, and 924.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 641, 694, 734, 779, 784, 796, 813, 822, 829, 893, and 924.

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused at 11:00 a.m. this morning. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 123.

Introduced by Mahoney, 5th District; Stull, 49th District.

WHEREAS, the economic prosperity of Nebraska is critically dependent upon the cost, convenience, and quality of transportation services; and

WHEREAS, scattered and uncoordinated abandonment of railroad trackage and bus routes in Nebraska seriously threatens the integrity of the transportation service system; and

WHEREAS, the legislature of the State of Nebraska recognized the need to offer positive alternatives which would preserve basic rail and bus service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That the Executive Board of the Legislature appoint an interim study committee which shall report the results of its study to the Eighty-fourth Legislature, First Session.

2. That the interim study committee make a study of the bus and rail transportation system in Nebraska to include bus route and railroad track abandonment, economic costs, and Interstate Commerce Commission policies and Public Service Commission policies regarding abandonment.

3. That the interim study committee prepare proposals for arrangements to encourage discussion among bus and rail carriers, and state and local governments affected by abandonments.

4. That the committee prepare recommendations to improve the economic viability of bus and rail transportation systems in Nebraska.

5. That the Legislature urges the Interstate Commerce Commission to adopt a moratorium on rail and bus route abandonment in the state until this study has been completed.

6. That the Clerk of the Legislature transmit copies of this resolution to the members of the Nebraska Congressional Delegation, the Interstate Commerce Commission, the Secretary of Transportation, the Governor, and the Public Service Commission.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title.

LEGISLATIVE BILL 499A. By Barnett, 26th District.

A BILL FOR AN ACT to appropriate one hundred fifty thousand dollars from the state General Fund for the period of July 1, 1974 to June 30,

1975 to the Department of Veterans' Affairs, Agency No. 28, for Program 36, Departmental Administration, to aid in carrying out the provisions of Legislative Bill 499, Eighty-third Legislature, Second Session, 1974.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules for the introduction of a new revisor bill relating to reducing age of licensed motor vehicle operators (Req. No. 1649).

The motion lost with 26 ayes, 0 nays and 23 not voting.

MOTION—Return LB 616 to Select File

Mr. Snyder moved to return LB 616 to Select File for the following specific amendment:

1. Strike Sections 7, 8 and 9 of the Committee amendment.

The motion lost with 10 ayes, 13 nays and 26 not voting.

UNANIMOUS CONSENT—Unbracket LB 91

Mr. Keyes asked unanimous consent to unbracket LB 91 on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 997. Considered.

Mr. Kremer asked unanimous consent to withdraw his pending amendment found in the Journal on page 1018 for the Forty-first Day. No objections. So ordered.

Mr. Kremer offered the following amendment:

Amendment to LB 997

On page 34 insert after line 18 the following:

“There is hereby appropriated \$1,000,000 general funds for the Nebraska Natural Resources Development Fund which is appropriated for fiscal year 1975-1976, and for purposes of setting sales and income tax rates by the State Board of Equalization and Assessment shall be considered an express obligation.”

Mr. Carpenter offered the following amendment to the Kremer amendment:

On page 34, line 19 and 20 strike “133,214” and insert: “ 1,133,214”; insert after line 18 the following:

"There is included \$1,000,000 general funds for the Nebraska Natural Resources Development Fund which is hereby appropriated."; On page 35, line 15, strike "1,055,891" and insert "2,055,891"; line 18, strike "1,562,391" and insert: "2,562,391".

The Carpenter amendment was adopted with 29 ayes, 8 nays and 12 not voting.

The Kremer amendment, as amended, was adopted with 25 ayes, 1 nay and 23 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

Mr. Carpenter asked unanimous consent to expedite LB 997. No objections. So ordered.

STANDING COMMITTEE REPORTS Committee on Committees

March 12, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

John Reeve – Nebraska Highway Bond Commission

No one appeared either in favor or opposition to Mr. Reeve's appointment.

Committee Vote: For: (9) Senators Barnett, Duis, Johnson, Luedtke, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (4) Senators Chambers, Epke, Nore and Stromer.

William Lindeken – Game and Parks Commission

Senator Richard Lewis, Senator Leslie Stull and Senator E. Thome Johnson appeared in support of Mr. Lindeken and no one appeared in opposition.

Committee Vote: For: (9) Senators Barnett, Duis, Johnson, Luedtke, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (4) Senators Chambers, Epke, Nore and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman

March 12, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggest a record vote:

Terrance E. Pesek
Board of Public Roads Classifications and Standards

No one appeared in favor of Mr. Pesek and no one appeared in opposition to Mr. Pesek.

Committee Vote: For: (9) Senators Barnett, Duis, Johnson, Luedtke, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (4) Senators Chambers, Epke, Nore and Stromer.

Bruce C. Gillan
Board of Public Roads Classifications and Standards

No one appeared either in favor or opposition to Mr. Gillan's appointment.

Committee Vote: For: (9) Senators Barnett, Duis, Johnson, Luedtke, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (4) Senators Chambers, Epke, Nore and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 772, 679, 824, 826, 826A, 832, 882, 886, 909, 911, 960.

(Signed) John J. Cavanaugh, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 124. By Stromer, 36th District.

WHEREAS, the wholesale and retail electrical systems in Nebraska are owned and controlled by the citizens of this state; and

WHEREAS, disputes presently exist which concern wholesale and retail rates, territorial protections, transmission, generation and service to individual citizens; and

WHEREAS, it is in the public interest of this state that a study of these problems be made.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the executive committee be empowered to appoint a sub-committee to conduct a comprehensive study of wholesale and retail electrical systems in Nebraska.

2. Be it further resolved that this sub-committee be empowered to hold public meetings, summon and compel such witnesses as may be necessary in order to complete the objectives contemplated by this resolution.

3. Be it further resolved that the sub-committee report to the Legislature at the Session, commencing January, 1975.

Referred to the Executive Board.

UNANIMOUS CONSENT—Print Amendment to LB 969 in Journal

Mr. DeCamp asked unanimous consent to print the following proposed amendment to LB 969 in the Journal. No objections. So ordered.

1. On page 2, after line 19 insert a new section as follows:

"Sec. 2. As of January 1, 1975, all persons required by the provisions of sections 77-1201 and 77-1229 to list personal tangible property subject to taxation shall be allowed an exemption of one hundred per cent of the actual value of livestock as provided in sections 77-1262 to 77-1268. A copy of the personal property tax statement required by sections 77-1201 and 77-1229, when such statement includes livestock, shall be submitted by the county assessor to the Tax Commissioner. On November 1 of each year the Tax Commissioner shall submit the total amount of the tax statements representing the livestock exemptions provided by the provisions of this section to the State Treasurer who shall place so much of all funds collected by a general sales tax and income tax into a special fund to be known as the Livestock Personal Property Tax Relief Fund, which fund is hereby created, as shall equal the total of such tax statements that are submitted. The money in the Livestock Personal Property Tax Relief Fund shall be paid by the Tax Commissioner to each person submitting such tax statements pursuant to sections 77-1201 and 77-1229 on December 15 of each year. The Tax Commissioner shall not allow the tax exemption provided by this section if, as of January 1, 1975, the exemptions provided by the provisions of sections 77-202.25 to 77-202.33 are still in effect."

UNANIMOUS CONSENT—Unbracket LB 851

Mr. DeCamp asked unanimous consent to unbracket LB 851 on General File for March 20. No objections. So ordered.

VISITORS

President Marsh introduced 31 Hamilton County Farm Bureau members; 60 Fourth grade students and their teachers from Meadow Lane Elementary School, Lincoln, Nebraska; 81 Junior High students and their teachers from Gretna, Nebraska; and 60 High School students and their teachers from Omaha Westside High School, Omaha, Nebraska.

RECESS

At 11:52 a.m., on a motion by Mr. Syas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:40 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel and Stromer who were excused and Mr. Chambers who was absent until 2:15 p.m.

UNANIMOUS CONSENT—Member Excused

Mr. Waldron asked unanimous consent to be excused Wednesday, March 13. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 677. Title read. Considered.

Mr. Kelly renewed his pending amendments found in the Journal on page 744 for the Thirty-third Day.

Mr. Kelly moved for a Call of the House. The motion lost with 14 ayes, 17 nays and 18 not voting.

The Kelly amendments lost with 15 ayes, 19 nays and 15 not voting.

Mr. Cavanaugh offered the following amendment:

1. On page 2, line 21 strike "Secretary of State" and insert "State Campaign Finance Commission".

2. On page 3, in lines 3, 12, and 18 strike "Secretary of State" and insert "State Campaign Finance Commission".

3. On page 4, line 4 strike "Secretary of State" and insert "State Campaign Finance Commission"; after line 16 insert new sections as follows:

"Sec. 10. (1) For the purpose of carrying out the provisions of this act the State Campaign Finance Commission is hereby created.

(2) Such commission shall consist of five members, no more than three of whom shall be from any one political party. The members shall be appointed by the Governor with the advice and consent of the Legislature within sixty days of the effective date of this act. Members shall serve for terms of four years, except that of the members first appointed, three shall be appointed for terms of two years and two shall be appointed for terms of four years.

(3) No person shall be eligible for appointment to serve on such commission if such person has held a political office or been an official of any political party within a two year period immediately prior to the date of his appointment and no person shall hold a political office or a political party office for two years following service on the commission.

(4) Any vacancy on the commission shall be filled for the remainder of the unexpired term in the same manner as the members are originally named. Any person so named to fill a vacancy shall have the same qualifications as his immediate predecessor.

(5) Members of the commission shall be paid a per diem of one hundred fifty dollars for each day actually and necessarily engaged in the performance of their duties as members of such commission in addition to being reimbursed for their actual and necessary expenses.

(6) The commission shall select from among its members a chairman and establish rules to govern its procedures. The commission shall meet at such times and at such places as may be established by its chairman, but in no case shall the committee meet fewer than three times annually.

Sec. 11. There is hereby established the position of Executive Secretary of the State Campaign Finance Commission. Such secretary shall be appointed by the commission and shall serve at its pleasure. The commission shall set the salary of the executive secretary.

Sec. 12. The Executive Secretary of the State Campaign Finance Commission shall, subject to the direction of the State Campaign Finance Commission, supervise all activities required by the provisions of this act."

The amendment lost with 16 ayes, 19 nays and 14 not voting.

Mr. Syas moved to indefinitely postpone.

Mr. Kelly requested a roll call vote.

Voting in the affirmative, 22:

Barnett	Carpenter	C. Carsten	Chambers	Clark
Epke	Hasebroock	Johnson	Kennedy	R. Lewis
Luedtke	Mahoney	Moylan	Proud	Richendifer
Savage	Simpson	Skarda	Stull	Syas
Whitney	Wiltse			

Voting in the negative, 20:

Anderson	F. Carstens	Cavanaugh	DeCamp	Dickinson
Fellman	Fowler	Goodrich	Kelly	Kime
Kremer	F. Lewis	Maresh	Marsh	Murphy
Nore	Schmit	Stahmer	Waldron	Warner

Not voting, 7:

Burbach	Duis	Keyes	Marvel	Rasmussen
Snyder	Stromer			

The Syas motion prevailed with 22 ayes, 20 nays and 7 not voting.

LEGISLATIVE BILL 656. Title read. Considered.

Standing Committee amendments found in the Journal on page 590 for the Twenty-sixth Day were adopted.

Mr. Carpenter asked unanimous consent to print his proposed amendments in the Journal and hold the bill over.

Mr. Goodrich objected.

Mr. Schmit offered the following amendment:

Amendments to L.B. 656

1. Strike that portion of committee amendment number 4 to L.B. 656 as found at pages 590-591 of the Legislative Journal of the Eighty-Third Legislature, Second Session, which would become section 6 of L.B. 656 and strike section 70-626.05, Reissue Revised Statutes of Nebraska as amended on page 591 of the Legislative Journal and insert a new section 6 as follows:

~~"Sec. 6. That section 70-626.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:~~

~~70-626.05. When a power agency has requested wheeling service under sections 70-626.01 to 70-626.03, the parties shall develop a contract for such wheeling service. Any provisions of the contract which cannot be resolved by the parties shall then be the subject of a dispute filed with the board for settlement. The provisions of this section shall not include~~

~~the matter of rates to be paid for such wheeling service in the contract.~~

(1) When generation facilities are constructed, either within or without the state of Nebraska, and the construction of such generation facility requires that the output of the generation facility be transmitted over the existing transmission facilities of others or by transmitting over new transmission facilities, or both, all or partly within this state, the party or parties that propose to construct the generation facility and the party or parties whose existing transmission facilities would be directly electrically connected to (a) such generating facility or (b) to any new transmission facilities or (c) to the electric system of a party jointly or individually constructing such generation facility, shall determine what new transmission facilities, if any, should be constructed so that the output of the generation facility will be transmitted in a reliable manner.

(2) If the parties determine that new transmission facilities are to be required, the parties will determine what new transmission facilities should be constructed, utilizing to the fullest extent possible the existing transmission facilities for the maximum benefit of the rate payers of this state. In the event that the parties are unable to agree upon any of the terms or conditions of (a) what new transmission facilities are to be constructed or (b) who shall construct said new transmission facilities or (c) agreement for the electrical connection of transmission facilities; the matter shall be submitted to the Nebraska Power Review Board for hearing and determination in accordance with the provisions of section 70-626.04, Reissue Revised Statutes of Nebraska, 1943. Any determination by the board regarding rates shall be advisory only and not binding upon the parties. Rates, tolls and charges shall be as provided for in section 70-655, Reissue Revised Statutes of Nebraska, 1943."

2. Strike the period on line 12, page 3, section 2 of L.B. 656 as originally introduced and insert therefor a semi-colon and the words "provided, however, the parties to any such contract or agreement may provide that such electric generating facility shall be operated and maintained by one of the parties to the contract or agreement.".

Amendment pending.

Mr. Duis moved to bracket the bill until Monday, March 18 and print the proposed amendments to LB 656 in the Journal. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Goodrich proposed amendment to LB 656.

Amend LB 656 as amended and approved by the committee as follows:

Section 6. When generation facilities are constructed, either within or without the State of Nebraska, and the construction of such generation facility requires that the output of the generation facility be trans-

mitted over the existing transmission facilities of others or by transmitting over new transmission facilities, or both, all or partly within this state, the party or parties that propose to construct the generation facility and the party or parties whose existing transmission facilities would be directly electrically connected to (1) such generating facility or (2) to any new transmission facilities or (3) to the electric system of a party jointly or individually constructing such generation facility, shall determine what new transmission facilities, if any, should be constructed so that the output of the generation facility will be transmitted in a reliable manner.

If the parties determine that new transmission facilities are to be required, the parties will determine what new transmission facilities should be constructed, utilizing to the fullest extent possible the existing transmission facilities for the maximum benefit of the rate payers of this state. In the event that the parties are unable to agree upon any of the terms or conditions of (1) what new transmission facilities are to be constructed or (2) who shall construct said new transmission facilities or (3) agreement for the electrical connection of transmission facilities; the matter shall be submitted to the Nebraska Power Review Board for hearing and determination in accordance with the provisions of Sections 70-626.04 and 70-626.05.

Carpenter proposed amendments to LB 656.

Section 1. That section 50-401.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

50-401.01. The Legislative Council shall have an executive board, to be known as the Executive Board of the Legislative Council, which shall consist of a chairman, vice-chairman, and a member of the Legislature selected at large, to be chosen by the Legislature at the commencement of each regular session of the Legislature when the speaker is chosen, the Speaker of the Legislature, and the Chairman of the Committee on Committees of the Legislature. Each district from which members of the Committee on Committees are chosen shall be represented on the Executive Board. The Chairman of the Committee on Budget shall serve as a nonvoting ex officio member of the Executive Board whenever the board is considering fiscal administration. The Executive Board shall supervise all services and service personnel of the Legislature. The Legislative Council shall occupy and maintain offices in the State Capitol. The Executive Board shall assume full responsibility to be advised and informed of all major operations of public power districts or public power and irrigation districts. The board shall meet not less than once each three months for the purpose of being briefed and advised by such districts of their major operations, capital expenditures, revenue policies, and need for rate increases which shall be supported by reports and recommendations. The Executive Board shall make available to itself whatever funds are necessary and hire whatever personnel it deems necessary to carry out this delegation of responsibility. Periodically, and not less than once each year, the board shall make a report to the Legislature of its findings and recommendations.

Section 2. Not less than 20 days before the governing body of a supplier of electricity, including public power districts,

public power and irrigation districts, electric membership associations and cooperatives, excluding municipalities, increases rates for electric energy it shall give written notice to the Executive Board of the Legislative Council that a rate increase is proposed and of the time and place where a public meeting will be held with regard to the rate increase before it is adopted by said governing body, and the supplier of electricity shall publish said notice in a legal newspaper. At the time and place fixed in the notice the governing body of a supplier of electricity shall hold a public meeting at which employees of the supplier of electricity shall present information as to the fairness, reasonableness, and lack of discrimination of the new proposed rate or rates. The Executive Board of the Legislative Council or its representatives and any party having a legal interest in the proposed rates shall have a right to appear and present information to the supplier of electricity.

Section 3. Rates fixed by the governing body of a supplier of electricity for electric energy shall be adequate to permit the supplier of electricity to make all payments on legally incurred indebtedness and to comply with all agreements which the supplier of electricity may have entered into with or for the benefit of those to whom it is indebted.

Section 4. (1) Any public power district or public power and irrigation district entering into any contract for construction, building, alteration, extension, or improvement of its system where the estimated cost exceeds five hundred thousand dollars shall, prior to award of such contract, submit the proposed contract to the Nebraska Power Review Board for comment. Such comment shall neither approve nor disapprove the contract but shall indicate any area which the board may feel is not in the public interest.

(2) The Nebraska Power Review Board is authorized to employ engineering service, accounting service, and legal assistance necessary to thoroughly review the contract. Such review shall be completed and comments, if any, delivered to such public power district or public power and irrigation district within sixty days after the proposed contract has been submitted to the Nebraska Power Review Board.

Section 5. Transmission facilities associated with new electric generation facilities will not be constructed by the owner or owners thereof outside of the load control dispatching area of such owner or owners unless the generating power agency, as defined in Section 70-626.01, in whose load control dispatching area any such new electric generation facilities or related transmission facilities are located, refuses to provide after timely notice and opportunity the transmission facilities required to deliver in a reliable manner the power and energy from any such new electric generation facility. In the event that the owner or owners of a new electric generation facility determines that inadequate transmission facilities exist to make delivery of power and energy in a reliable manner, then such owner or owners shall request such generating power agency to provide such required additional transmission capacity, utilizing to the fullest extent possible the

existing transmission facilities for the maximum benefit of all rate payers of this state. In the event of disagreement between the generating power agency and the owner or owners of a new electric generation facility regarding the addition of transmission facilities, the matter shall be submitted to the Nebraska Power Review Board for hearing and determination in accordance with the provisions of Section 70-626.04. In the event that the Board determines after hearing that any such additional facilities are required, it shall either authorize the owner or owners of the new electric generation facility to provide such additional transmission facilities, provided such transmission facilities shall not be electrically connected with the transmission facilities of such generating power agency except under appropriate agreements providing for operation and dispatching thereof by said power generating agency and the payment of adequate rates for the use of existing transmission facilities, or the board shall order such power generating agency to provide necessary transmission facilities to make delivery of power and energy in a reliable manner. Any provision in an order of the board regarding any rate to be charged by such power generating agency which has agreed with the holders of its outstanding bonds that the power generating agency will fix such rates shall be advisory only and shall not be binding on the power generating agency.

Section 6. No supplier of electricity in this state shall by any order of the federal government divert or change the flow of power without prior approval of the Nebraska Power Review Board.

Section 7. That original section 50-401.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.

MESSAGE FROM THE GOVERNOR

March 11, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 646.

This bill was signed by me on March 11, 1974 and delivered to the Secretary of State.

Very truly yours,

JJE:fw

(Signed) J. James Exon, Governor

ANNOUNCEMENT

Mr. Barnett announced the Government, Military and Veteran's Affairs Committee hearing with the City of Lincoln on off-street parking will be held at 1:00 p.m., Wednesday, March 13, 1974 in Room 2230.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 719. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office.)

(Signed) Jerome Warner, Chairman

GENERAL FILE

LEGISLATIVE BILL 302. Laid over until Thursday, March 14, at the request of Mr. Stahmer.

LEGISLATIVE BILL 875A. Mr. Snyder asked unanimous consent to bracket the bill.

Speaker Proud objected.

Mr. Snyder moved to bracket LB 875A. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT—Print amendments to LB 302 in Journal

Mr. Kennedy asked unanimous consent to print all proposed amendments to LB 302 in the Journal. No objections. So ordered.

Marvel Proposed Amendments to LB 302

Section 1 line 12 on page 1 following "Institutions"

add in the same sentence:

"Subject to the requirements of Section 3 (7) of this Act."

Section 1 line 13 on page 1 before the words "to organize"

add:

"to improve the delivery of mental health services to all persons residing in Nebraska regardless of ability to pay;"

Section 3 (7) line 19 on page 3 strike the last sentence and

insert:

"Any statewide plan, standards, rules, and regulations shall be adopted only after a study of mental health care in Nebraska is completed, public hearings are held and there is consultation with the six mental health governing boards and the State Citizen's Advisory Committee provided for in Section 8 of this Act."

Section 3 line 22 on page 3 strike the paragraph beginning with

the words "The director" and insert:

"The director may enter into agreements with other departments or agencies of the State of Nebraska that provide mental health, drug abuse, and alcoholism facilities, programs, or services. Contracts may be made with those organizations designated by the regional boards after consultation with the regional advisory

committee established under Section 6 (7) of this Act. Such contracts may be made for assistance in the administration or supervision of mental health services and programs provided for by the provisions of this act within the region, provided such contracts do not duplicate services available at the date of enactment of this legislation through the Department of Public Institutions. The director, in cooperation with the regional boards shall provide necessary limitations on payment for inpatient services provided alternatives meet the standards adopted under Section 3 of this Act are available.

Section 4 page 5 line 22 strike the sentence beginning "The governing" and insert:

"Following the adoption of the statewide plan and standards adopted under Section 3 of this Act and subject to those standards, the governing board may enter into contracts with public or private service agencies or individuals after consultation with the regional advisory committee established under Section 6 (7)."

Section 4, page 5, line 24 strike the sentence beginning "Such board...." and insert:

"Such board shall contract with any public agency, or approved private agency or approved individual presently providing those services specified in subdivision (3) of Section 2 of this act subject to the minimum standards adopted under Section 3 of this act."

Section 6 (7) page 7 line 6 strike subsection (7) and insert:

"(7) appoint an advisory committee which is representative of all counties in the region and which shall include one or more members of the governing board; one or more mental health professionals; one or more mental health employee representatives; one or more representatives of mental health organizations or associations and a majority of consumers who do not receive more than 1/10 of their income from the provision of mental health care."

"(8) consult with the appointed advisory committee on the planning, organization, contracting, provision, evaluation, and fiscal analysis of the mental health services in the region. The regional advisory committee shall meet on a quarterly basis. Members shall be reimbursed for actual and necessary expenses incurred in carrying out their duties."

Section 8 line 26 page 7 strike the sentence beginning "The committee" and insert:

"The State Citizens Advisory Committee shall consult with the Director on the statewide plan; minimum standards; equitable provision of mental health services, including program priorities; encouragement of research; statewide fee schedules and general fiscal analysis; and other matters as necessary to insure the implementation of Section 1 of this Act."

Section 8 line 3 page 8 strike the sentence beginning "such assistance..." and insert:

"The Citizens Advisory Board shall consist of one member of each regional governing board as appointed by that board and one consumer from each regional mental health advisory committee as nominated by that committee and appointed by that regional governing board.

Section 11 line 22 page 9 strike the sentence beginning "In no event..." and insert:

"In no event shall support be furnished beyond two years from the date of the adoption of the statewide plan as provided in Section 3 of this act unless such plan continues the outpatient clinics.

Section 13 page 10 line 8 insert before the word "regional":
"state,"

Section 13 page 10 line 8 add after level"

"subject to the minimum standards developed under Section 3 of this act."

Section 14 page 10 line 20 add after "and services:

"No services covered under this act maybe denied residence of Nebraska due to inability to pay scheduled fees."

Kennedy Proposed Amendments to LB 302

1. On page 10, after line 8 insert a new section
as follows:

"Sec. 14. Any individual requiring mental health services who desires to change to another region may do so with the approval of the regional directors from the region delivering the service and the region contracting for the service. Any such change shall be subject to contract and payment by the regions involved. Payment shall be based upon actual cost for the provisions of the service or services exclusive of other available funds which may be utilized to support the cost of services to the individual."

2. Renumber original sections 14 to 16 as sections 15 to 17 respectively.

C. Carsten Proposed Amendment to LB 302

Pg 3 Line 24 Strike "Cass" and put "Cass" in pg 3 line 22 after "Richardson" (add "Cass")

UNANIMOUS CONSENT—Members Excused

Mr. F. Carstens asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 870. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 616 for the Twenty-seventh Day were adopted.

Mr. R. Lewis renewed his amendments found in the Journal on page 595 for the Twenty-seventh Day. The amendments were adopted.

The R. Lewis amendment (I) found in the Journal on page 861 for the Thirty-fifth Day was adopted.

Mr. R. Lewis renewed his amendment (II) found in the Journal on page 861 for the Thirty-fifth Day.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 19 ayes, 18 nays and 12 not voting.

The Call showed 43 members present.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

The R. Lewis amendment (II) found in the Journal on page 861 for the Thirty-fifth Day lost with 19 ayes, 21 nays and 9 not voting.

Mr. Rasmussen moved to indefinitely postpone.

Mr. Rasmussen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays and 13 not voting.

Mr. F. Lewis moved for a Call of the House. The motion lost with 20 ayes, 23 nays and 6 not voting.

The Rasmussen motion to indefinitely postpone prevailed with 22 ayes, 19 nays and 18 not voting.

Mr. Mahoney requested his vote be changed from "Nay" to "Aye" for purposes of reconsideration.

LEGISLATIVE BILL 692. Considered.

Mr. Murphy moved to advance LB 692 to E & R for Review.

Mr. Murphy moved for a Call of the House. The motion prevailed with 21 ayes, 8 nays and 20 not voting.

The Call showed 41 members present.

Mr. Nore requested a record vote on the motion to advance.

Voting in the affirmative, 25:

Anderson	Burbach	Carpenter	Cavanaugh	Clark
DeCamp	Duis	Fellman	Fowler	Goodrich
Hasebroock	Kelly	Keyes	Kime	F. Lewis
Mahoney	Marsh	Moylan	Murphy	Proud
Richendifer	Schmit	Skarda	Snyder	Warner

Voting in the negative, 15:

Barnett	C. Carsten	Dickinson	Epke	Kremer
R. Lewis	Luedtke	Maresh	Nore	Rasmussen
Savage	Simpson	Stull	Syas	Wiltse

Not voting, 9:

F. Carstens	Chambers	Johnson	Kennedy	Marvel
Stahmer	Stromer	Waldron	Whitney	

LB 692 was advanced to E & R for Review with 25 ayes, 15 nays and 9 not voting.

Mr. Murphy moved the Call be raised. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

STANDING COMMITTEE REPORTS Nebraska Retirement Systems

LEGISLATIVE BILL 896. Placed on General File as amended.
Standing Committee amendments to LB 896:

1. On page 2, line 6, strike "five" and insert "~~five~~-ten"; strike beginning with "including" in line 7 through the comma in line 14.
2. Strike sections 2 and 3.
3. On page 3, line 14, strike "sections", and insert "section"; in line 15, strike "44-1624 and 44-1625,"; and in line 16, strike "are" and insert "is".
4. Renumber sections 4 and 5 as sections 2 and 3.

LEGISLATIVE BILL 998. Placed on General File as amended.
Standing Committee amendments to LB 998:

1. On page 2, reinstate the stricken matter in lines 24 through 27.
2. On page 3, reinstate the stricken matter in lines 1 through 3; strike the new matter in line 9; and reinstate the stricken matter in lines 8 through 13.
3. Strike sections 4 and 5.
4. Renumber original sections 6 and 7 as sections 4 and 5.

LEGISLATIVE BILL 999. Placed on General File.

LEGISLATIVE BILL 1000. Placed on General File as amended.

Standing Committee amendment to LB 1000:

1. On page 2, line 6, insert "during each pay period" after "hours".

LEGISLATIVE BILL 1002. Placed on General File as amended.

Standing Committee amendments to LB 1002:

- 2 1. Strike sections 1 to 5 and insert:
3 "Section 1. That section 19-3501, Reissue
4 Revised Statutes of Nebraska, 1943, be amended to read as
5 follows:
6 19-3501. The ~~mayor and council governing body~~ of
7 cities of the first and second class and villages may, by
8 appropriate ordinance or proper resolution, establish a
9 pension plan designed and intended for the benefit of the
10 regularly employed or appointed full-time employees of
11 the city; Provided, the provisions of this section shall
12 not apply to firemen or policemen who are included under
13 the provisions of an existing pension or retirement
14 system established by the municipality or by the
15 Legislature. Any recognized method of funding a pension
16 plan may be employed. The employee shall contribute an
17 amount at least equal to the city's contribution under
18 the plan; Provided, that the city may contribute, in
19 addition to amounts matched by the employee, amounts to
20 be used for the purpose of funding employee past service
21 benefits only. Any two or more cities of the first and
22 second class and villages may jointly establish such a
23 pension plan by adoption of appropriate ordinances or
24 resolutions. Such a pension plan may be integrated with
25 Old Age and Survivors Insurance, otherwise generally
1 known as Social Security.
2 Sec. 2. That original section 19-3501, Reissue
3 Revised Statutes of Nebraska, 1943, is repealed."

(Signed) Ramey C. Whitney, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Schmit asked unanimous consent to be excused Wednesday and Thursday, March 13 and 14. No objections. So ordered.

GENERAL FILE**LEGISLATIVE BILL 685.** Title read. Considered.

Standing Committee amendments found in the Journal on page 408 for the Seventeenth Day were adopted.

Messrs. Kelly and Waldron offered the following amendment:

1. Page 4, line 26 after the period insert:

"The Governor shall also, during such periods, be authorized to suspend any state tax on diesel fuel."

The amendment lost with 2 ayes, 21 nays and 26 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT—Members Excused

Messrs. Dickinson, Rasmussen, Burbach and Epke asked unanimous consent to be excused Wednesday and Thursday, March 13 and 14. No objections. So ordered.

ADJOURNMENT

At 4:06 p.m., on a motion by Mr. Syas, the Legislature adjourned until 9:00 a.m., Wednesday, March 13, 1974.

Vincent D. Brown
Clerk of the Legislature

FORTY-FOURTH DAY—MARCH 13, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 13, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor of the Westminster Presbyterian Church.

We begin this new day O God with you. We give you thanks for one life, for family, and friends who love us in spite of our shortcomings.

We acknowledge our gratitude for the positions we hold by the voice of the people, this nation and the freedoms we enjoy.

Cleanse our conscience of all wrong doing, and give us the up-lift of your divine spirit. Help us to surrender to your Almighty will, those things that concern us most.

Help us, O Father, to view the issues at hand not in terms of what we want to achieve from life today — or what we feel life owes us; but to act in terms of what Life expects from us!

Through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Epke, Dickinson, Rasmussen, Schmit and Waldron who were excused; Fellman and Snyder who were excused until they arrive; members of the Appropriations Committee who were absent until 9:15 a.m. and Mr. Chambers who was absent until 9:20 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-third Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 155
March 12, 1974

Dear Senator Fellman:

You ask if L. B. 957 is constitutional. The bill generally provides for the revocation or partial revocation of a driver's license if one, who is obligated to pay child support by a court order, is in arrears sixty days or more.

It is our opinion that the bill, if passed, and tested in court, could have difficulty passing the requirements of the Equal Protection clause. That, of course, is in the Fourteenth Amendment of the Constitution of this nation.

The amendment provides in part:

"...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; not deny to any person within its jurisdiction the equal protection of the laws."

It appears that a strong argument could be given that the bill is an unreasonable classification and involves discrimination on a matter, driver's license revocation, which has nothing to do with the intent of the legislation, the payment of child support. It is difficult to equate the two.

16A C.J.S., Constitutional Law, Sec. 505, at page 314 provides:

"The mere fact of classification by a statute does not relieve it from the reach of the equal protection clause of the Fourteenth Amendment to the federal Constitution. The prohibition against denial of equal protection does not preclude a state or municipality from resorting to classification for purposes of legislation and confining the legislation to a certain class or classes, prescribing different sets of rules for different classes, or discriminating in favor of, or against, a certain class, provided the classification or discrimination is reasonable, rather than arbitrary, and rests on a real and substantial difference or distinction which bears a just and reasonable relation to the legislation or the subject or object thereof, and provided also the legislation operates equally, uniformly, and impartially on all persons or property within the same class."

In *Atchison, Topeka, & Santa Fe R. Co. V. Matthews*, 174 U.S. 196, 19 S. Ct. 609, 43 L. Ed. 909 (1899), the Supreme Court said:

"...the equal protection guaranteed by the Constitution forbids the legislature to select a person, natural or artificial, and impose upon him or it burdens and liabilities which are not cast upon other similarly situated. . . . Neither can it make a classification of individuals or corporations which is purely arbitrary, and impose

upon such class special burdens and liabilities. Even where the selection is not obviously unreasonable and arbitrary, if the discrimination is based upon matters which have no relation to the object sought to be accomplished, the same conclusion of unconstitutionality is affirmed. . . ."

On the matter of reasonableness of the classification the Supreme Court said in *Bayside Fish Flour Co. v. Gentry*, 297 U.S. 422, 56 S. Ct. 513, 80 L. Ed. 722 (1936);

"... while the difference need not be great, the classification must not be arbitrary or capricious, but must bear some just and reasonable relation to the object of the legislation. . . ."

It seems to us that the class of individuals, those obligated to pay child support who have a driver's license, is an arbitrary classification. For example, not all those obligated to pay child support are licensed drivers, yet there is no sanction for them. We believe that it could be shown in many ways that the class is an arbitrary classification.

One other problem with the bill is that it appears to allow the executive branch of government, the Director of Motor Vehicles, to tread in an area reserved for the judicial branch.

Section 1 of the bill provides that the Director of Motor Vehicles shall examine records to determine if child support payments are delinquent. Then section 2 provides for a hearing before a hearing officer appointed by the Director of Motor Vehicles to determine if child support has not been paid. This appears to us to be contrary to Article II, Section 1 of the state Constitution which provides:

"The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted."

Section 42-348, R. S. Supp., 1972, provides:

"All proceedings under sections 42-347 to 42-379 shall be brought in the district court of the county in which one of the parties reside. Proceedings may be transferred to a separate juvenile court which has acquired jurisdiction pursuant to section 43-230."

Chapter 42, article 3, also covers matters of child support and therefore is a judicial matter--not an executive one.

We also point out that the United States Supreme Court in *Bell v. Burson*, 402 U. S. 535, 91 S. Ct. 1586, 29 L. Ed. 2d 90 (1971), held that a driver's license is not a privilege but a "right."

For the foregoing reasons it is our opinion that this bill, if passed, would have a difficult time meeting constitutional requirements.

Very truly yours,
CLARENCE A. H. MEYER
Attorney General

(Signed) James J. Duggan
 Assistant Attorney General
 JJD:ejg
 cc: Mr. Vincent D. Brown

ANNOUNCEMENT

Mr. Duis announced the executive meeting of the Rules Committee today at 1:00 p.m. has been cancelled.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 647. With Emergency.

A BILL FOR AN ACT to amend section 24-342.01, Revised Statutes Supplement, 1972, and section 24-342, Revised Statutes Supplement, 1973, relating to courts; to provide for evidence and records; to provide for compensation and expenses; to provide an operative date; and to repeal the original sections, and also sections 24-338, 24-339.05, 24-340, 24-343, and 24-344, Reissue Revised Statutes of Nebraska, 1943, and sections 24-339, 24-339.01, and 24-341, Revised Statutes Supplement, 1972; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Clark	DeCamp	Duis	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Mareh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Richendifer
Savage	Simpson	Skarda	Stahmer	Stromer
Stull	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Burbach	Chambers	Dickinson	Epke	Fellman
Rasmussen	Schmit	Snyder	Waldron	Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 807.

A BILL FOR AN ACT to amend section 48-121, Revised Statutes Supplement, 1973, relating to workmen's compensation; to provide for compensation for the loss or loss of use of more than one member; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	DeCamp	Duis	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Richendifer	Savage	Simpson	Stahmer
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 13:

Burbach	Chambers	Clark	Dickinson	Epke
Fellman	Nore	Proud	Rasmussen	Schmit
Skarda	Snyder	Waldron		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 864. With Emergency.

A BILL FOR AN ACT relating to elections; to provide for keeping voter registration records as current as possible in counties having a population of fifty thousand inhabitants or less; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Duis
Fowler	Goodrich	Hasebroock	Kelly	Kennedy

Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Murphy	Nore	Proud	Richendifer	Savage
Simpson	Skarda	Stahmer	Stromer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Burbach	Dickinson	Epke	Fellman	Johnson
Marvel	Rasmussen	Schmit	Snyder	Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 920. Mr. Luedtke asked unanimous consent to bracket LB 920. No objections. So ordered.

LEGISLATIVE BILL 966. With Emergency.

A BILL FOR AN ACT to amend section 29-2206, Revised Statutes Supplement, 1972, relating to criminal procedure; to provide when revocation or suspension of a motor vehicle operator's license shall be effective when a fine is paid in installments; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Duis
Fowler	Goodrich	Hasebroock	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Moylan
Proud	Richendifer	Savage	Simpson	Skarda
Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 12:

Burbach	Dickinson	Epke	Fellman	Johnson
Mahoney	Murphy	Nore	Rasmussen	Schmit
Snyder	Waldron			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 974.

A BILL FOR AN ACT to amend section 60-412, Revised Statutes Supplement, 1973, relating to motor vehicle operators' licenses; to change the name of the Drivers' License Abstracts Computerization Fund to the Department of Motor Vehicles Computerization Fund; to change how such fund shall be used; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Duis
Fowler	Goodrich	Hasebroock	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Richendifer
Savage	Simpson	Skarda	Stahmer	Stromer
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Burbach	Dickinson	Epke	Fellman	Johnson
Rasmussen	Schmit	Snyder	Waldron	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agree to.

LEGISLATIVE BILL 976. With Emergency.

A BILL FOR AN ACT relating to the Governor; to provide that the Governor shall present recommendations and proposed legislation to the

Legislature's committee on Public Works as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Duis
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Richendifer
Savage	Simpson	Skarda	Stahmer	Stromer
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Burbach	Dickinson	Epke	Fellman	Kennedy
Rasmussen	Schmit	Snyder	Waldron	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1013.

A BILL FOR AN ACT to amend section 44-2603, Revised Statutes Supplement, 1973, relating to insurance consultants; to provide for additional exemptions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass;' "

Voting in the affirmative, 37:

Anderson	Barnett	Carpenter	F. Carstens	Chambers
Clark	DeCamp	Duis	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	Luedtke	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Proud	Richendifer	Savage	Simpson	Skarda

Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 12:

Burbach	C. Carsten	Cavanaugh	Dickinson	Epke
Fellman	R. Lewis	Mahoney	Rasmussen	Schmit
Snyder	Waldron			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1014.

A BILL FOR AN ACT to amend sections 44-2403, 44-2404, and 44-2418, Revised Statutes Supplement, 1972, relating to insurance; to clarify terms; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson	Barnett	Carpenter	C. Carsten	Chambers
Clark	DeCamp	Duis	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Richendifer	Savage	Simpson
Skarda	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Burbach	F. Carstens	Cavanaugh	Dickinson	Epke
Fellman	R. Lewis	Rasmussen	Schmit	Snyder
Waldron				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1025.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-107, Revised Statutes Supplement, 1973; to change certain references regarding election of the major; to provide for appointment of officers required by ordinance; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass;'"

Voting in the affirmative, 36:

Anderson	Barnett	Carpenter	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Duis	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	Luedtke
Maresh	Marsh	Moylan	Murphy	Nore
Proud	Richendifer	Savage	Simpson	Skarda
Stahmer	Stromer	Stull	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 13:

Burbach	C. Carsten	Dickinson	Epke	Fellman
R. Lewis	Mahoney	Marvel	Rasmussen	Schmit
Snyder	Waldron	Whitney		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Suspend Rules

Mr. Duis moved to suspend the rules to consider the Final Reading bills set for tomorrow with exception of LB 972. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 654.

A BILL FOR AN ACT to amend section 18-1722.01, Revised Statutes Supplement, 1973 relating to cities and villages, all; to clarify provisions; to require that determinations by municipalities be recorded as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Duis
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Savage	Simpson
Skarda	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Burbach	Dickinson	Epke	Fellman	F. Lewis
Mahoney	Rasmussen	Richendifer	Schmit	Snyder
Waldron				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 676. With Emergency.

A BILL FOR AN ACT to amend section 27, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, relating to appropriations; to change appropriations to the Game and Parks Commission; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Anderson	Barnett	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Duis	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Savage	Simpson
Skarda	Stahmer	Stromer	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0:

Not voting, 12:

Burbach	Carpenter	Dickinson	Epke	Fellman
Mahoney	Rasmussen	Richendifer	Schmit	Snyder
Stull	Waldron			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 689.

A BILL FOR AN ACT to amend 60-1902, Revised Statutes Supplement, 1972, relating to abandoned motor vehicles; to exempt local authorities from payment of fees in acquiring title to abandoned motor vehicles; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson	Barnett	C. Carsten	F. Carstens	Chambers
Clark	DeCamp	Duis	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Richendifer	Savage	Simpson
Skarda	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Burbach	Carpenter	Cavanaugh	Dickinson	Epke
Fellman	Mahoney	Rasmussen	Schmit	Snyder
Waldron				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 723. With Emergency.

A BILL FOR AN ACT to amend section 29-2261, Revised Statutes Supplement, 1972, relating to criminal procedure; to provide for furnishing probation officers copies of criminal records as the probation officer shall require without cost; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson	Barnett	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Duis	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Proud	Richendifer	Savage	Simpson
Skarda	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Burbach	Carpenter	Dickinson	Epke	Fellman
R. Lewis	Nore	Rasmussen	Schmit	Snyder
Waldron				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 768.

A BILL FOR AN ACT to amend section 14-102, Revised Statutes Supplement, 1972, relating to cities of the metropolitan class; to prohibit and control the throwing, depositing, or accumulation of litter on any lot or piece of ground within the metropolitan city; to assess the cost of destroying weeds and worthless vegetation and removal of litter as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Anderson	Barnett	Chambers	Clark	DeCamp
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Richendifer	Savage
Simpson	Skarda	Stahmer	Stromer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 15:

Burbach	Carpenter	C. Carsten	F. Carstens	Cavanaugh
Dickinson	Duis	Epke	Fellman	Kime
Proud	Rasmussen	Schmit	Snyder	Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 881.

A BILL FOR AN ACT to amend section 48-128, Revised Statutes Supplement, 1972, relating to workmen's compensation; to clarify provisions respecting the Second Injury Fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Anderson	Barnett	C. Carsten	F. Carstens	Clark
DeCamp	Duis	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Moylan	Nore	Proud
Richendifer	Savage	Simpson	Skarda	Stahmer
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 13:

Burbach	Carpenter	Cavanaugh	Chambers	Dickinson
Epke	Fellman	Mahoney	Murphy	Rasmussen
Schmit	Snyder	Waldron		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 965.

A BILL FOR AN ACT to amend section 38-608, Reissue Revised Statutes of Nebraska, 1943, and section 38-629, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 594, Eighty-third Legislature, Second Session, 1974, relating to guardian and ward; to remove obsolete provisions; and to repeal the original sections, and also section 38-602, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson	Barnett	C. Carsten	F. Carstens	Cavanaugh
Chambers	DeCamp	Duis	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Murphy
Nore	Proud	Richendifer	Savage	Simpson
Skarda	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Burbach	Carpenter	Clark	Dickinson	Epke
Fellman	Marvel	Rasmussen	Schmit	Snyder
Waldron				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 991.

A BILL FOR AN ACT relating to the Youth Development Center-Kearney; to create a cash fund; to prescribe its name and purpose; and to provide for deposits.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson	Barnett	Carpenter	C. Carsten	Cavanaugh
Chambers	Clark	DeCamp	Duis	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Nore	Proud	Richendifer	Savage
Simpson	Skarda	Stahmer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Burbach	F. Carstens	Dickinson	Epke	Fellman
Murphy	Rasmussen	Schmit	Snyder	Stromer
Waldron				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 992.

A BILL FOR AN ACT to amend section 83-472, Reissue Revised Statutes of Nebraska, 1943, relating to the Youth Development Center-Kearney; to lower the age for release; and to repeal the original section.

Whereupon the President stated; "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Carpenter	C. Carsten	Cavanaugh
Chambers	Clark	DeCamp	Duis	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Richendifer	Savage
Simpson	Skarda	Stahmer	Stromer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Burbach	F. Carstens	Dickinson	Epke	Fellman
Fowler	Rasmussen	Schmit	Snyder	Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 993.

A BILL FOR AN ACT to amend section 83-904, Revised Statutes Supplement, 1973, relating to the Department of Correction Services; to provide for the transfer of buildings; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Anderson	Barnett	Carpenter	Cavanaugh	Chambers
Clark	DeCamp	Duis	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marvel	Moylan	Murphy	Nore
Proud	Richendifer	Savage	Skarda	Stahmer
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 13:

Burbach	C. Carsten	F. Carstens	Dickinson	Epke
Fellman	R. Lewis	Marsh	Rasmussen	Schmit
Simpson	Snyder	Waldron		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 994.

A BILL FOR AN ACT to amend section 83-905, Revised Statutes Supplement, 1973, relating to public institutions; to change the name of the State Reformatory for Women as prescribed; to harmonize with other legislation; to provide duties for the Revisor of Statutes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Duis
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Richendifer
Savage	Simpson	Skarda	Stahmer	Stromer
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Burbach	Dpke	Epke	Keyes	Mahoney
Rasmussen	Schmit	Snyder	Waldron	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESENTED TO GOVERNOR

Presented to the Governor for approval on March 13, 1974, at 9:45 a.m. were the following: LB 641, LB 694, LB 734, LB 779, LB 784, LB 796, LB 813, LB 822, LB 829, LB 893, and LB 924.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 625, 788, 949, 1011, and 1024.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 894. Placed on General File as amended.

Standing Committee amendments to LB 894:

1. On page 2, line 6 strike all language after "value", strike line 7, and all of line 8 to the semicolon.
2. On page 4, line 10 strike "three" and insert "five", on line 11 strike "fifteen" and insert "twelve", and on line 24 insert "terraces" after "any".
3. On page 5, line 23 after "therefor" insert "; Provided, that this shall not prohibit any lessee from claiming his right to improvements to which he is legally entitled under the terms of an existing school land lease".
4. On page 8, line 26 insert "school" after "in".
5. On page 9, line 12 strike "capital expenditures" and insert "expenditures necessary", line 13 strike "highest and best" and insert "most productive".
6. On page 9, line 16 strike "thirty" and insert "twenty", strike lines 18 and 19 and insert "shall be annually appropriated to the board for payment of development and improvement costs completed and approved by the board upon contracts let for this purpose. All rental and bonus payment deductions as authorized by this section shall be deposited by the board into the state treasury and by the State Treasurer credited to the Land Improvement Fund, which fund is hereby created, to be expended upon proper warrants in accordance with law.".
7. On page 9, line 27 strike "agricultural committee of the".
8. On page 10, line 2 strike all language after the period, and strike lines 3 and 4.

(Signed) Loran Schmit, Chairman

Urban Affairs

LEGISLATIVE BILL 780. Placed on General File.

(Signed) Duke Snyder, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 125.

Introduced by Kelly, 35th District.

WHEREAS, the metropolitan areas of this country are experiencing significant problems in the organization and operation of the public schools, especially with reference to quality education for all children; and

WHEREAS, the difficulties encountered in providing quality education in a metropolitan area like Omaha are often the forerunner of similar problems to be experienced in other city school districts of the state; and

WHEREAS, this Legislature is of the opinion that it does not possess sufficient information to ascertain the condition and quality of educational facilities and programs in the metropolitan area of Omaha; and

WHEREAS, the information and understanding obtained while developing needed plans and programs assuring quality education in the Omaha metropolitan schools could be of great assistance to other school districts in the state; and

WHEREAS, the operation of all school districts and the assurance of quality education is a direct responsibility of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That a thorough investigation and study of educational facilities and programs of the school districts in the metropolitan area of Omaha shall be undertaken to ascertain any difficulties and differences concerning:

- (a) the location and operation of school facilities;
- (b) the fulfillment of minimum safety codes by such facilities;
- (c) school transportation and safety;
- (d) curriculum offerings between schools both within a district and in different districts;
- (e) class size and pupil-teacher ratios;
- (f) adequacy of supportive staff, particularly with reference to guidance and counseling services;
- (g) educational performance and the problems of adequate measuring between schools both within a district and in different districts;
- (h) the districts' varying tax bases as measured by both property and income tax;
- (i) the socio-economic composition of the various districts;
- (j) the utilization of educational resources available through local institutions of higher learning including the technical community college;
- (k) the extent of public understanding and participation in school affairs;
- (l) the extent of public knowledge concerning the existing conditions and future needs of the educational facilities in their area; and
- (m) campaign practices in all school district elections.

2. This Legislature recognizes that model educational systems should be prepared as guidelines to provide enlightened leadership and to assist this Legislature, the State Board of Education, and all metropolitan school districts in making informed policy decisions in the area of quality education for all school children.

3. This Legislature therefore resolves that funds not to exceed the sum of thirty thousand dollars be made available to the Legislative Council for use by the Education Committee to study the problems outlined in this Resolution.

Referred to the Executive Board.

UNANIMOUS CONSENT—LB 1028 and LB 1028A

Speaker Proud asked unanimous consent to hold LB 1028 and LB 1028A an extra day on E & R Final. No objections. So ordered.

MOTION—Adjournment

Mr. Carpenter moved that when we adjourn today, we adjourn until 10:00 a.m., Monday, March 18. The motion prevailed with 25 ayes, 13 nays and 11 not voting.

UNANIMOUS CONSENT—Print Amendment to LB 1028 in Journal

Speaker Proud asked unanimous consent to print the following proposed amendment to LB 1028 in the Journal. No objections. So ordered.

Amend the Carpenter amendment No. 2 relating to Section 6 as follows: On page 1057, Section 6, line 1, after the words "any person", insert the following: "other than a common carrier whose rates are subject to regulatory control by public agencies".

UNANIMOUS CONSENT—Member Excused

Speaker Proud asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 905. Replaced on Select File as amended.

E & R amendments to LB 905:

1. Strike E & R 1 adopted 3/6.
2. On page 15, line 11 as reinstated, strike

"any" and insert "any".

LEGISLATIVE BILL 499. Replaced on Select File as amended.

E & R amendments to LB 499:

1. In E & R 3, lines 3 and 4, strike "state investment officer" and insert "Department of Veterans' Affairs".

2. In E & R 4, lines 2 and 3, strike "state investment officer" and insert "Department of Veterans' Affairs".

LEGISLATIVE BILL 865. Replaced on Select File as amended.

E & R amendments to LB 865:

1. In new section 2, strike beginning with the first comma in line 1 through the third comma in line 3.
2. In the title, line 8, insert "to provide for regulation of antelope hunting;" after the semicolon.

LEGISLATIVE BILL 763. Replaced on Select File as amended.
E & R amendments to LB 763:

1. In the Richendifer amendments found on pages 520 and 521 of the Journal, in line 14 insert "in blue" after "drawing".

2. Strike E & R 1 adopted 2/28.

3. In the title, insert "to provide a minimum size for figures on license plates;" at the end of line 3; and in line 5 insert "to provide for special bicentennial plates;" after the semicolon.

LEGISLATIVE BILL 614. Replaced on Select File as amended.
E & R amendments to LB 614:

1. Pursuant to the Fellman amendment, on page 5, line 18, insert "in excess of fifty dollars" after "cash"; and on page 6, line 7, insert "from any person" after "contribution" and insert "in excess of fifty dollars" after "cash".

2. In the title, line 5, strike "money" and insert "cash as a campaign contribution except".

LEGISLATIVE BILL 782. Replaced on Select File as amended.
E & R amendment to LB 782:

1. In lieu of the Fellman amendment, adopted 3/12, in the Fellman amendment 1, adopted 3/7, line 4, insert "in jail for the first forty-eight hours" after "persons" and after "sentencing" insert ", after which time such persons shall be transferred to the jurisdiction of the division of corrections".

LEGISLATIVE BILL 622. Placed on Select File as amended.
E & R amendments to LB 622:

1. In the Richendifer amendment 2, line 5, strike "of the".

2. Renumber original section 4 as section 2.

3. In the title, strike lines 4 to 7 and insert "State Fire Marshal; to require legislative confirmation; to eliminate jurisdiction of the Department of Insurance;"

LEGISLATIVE BILL 876. Placed on Select File as amended.
E & R amendments to LB 876:

1. On page 2, line 7, and page 3, line 13, insert "without registration" after "vehicle".

2. In the title, line 4, insert "without registration" after "operation"; and in lines 6 and 7 strike "until new registration is obtained".

LEGISLATIVE BILL 861. Placed on Select File as amended.

E & R amendments to LB 861:

1. On page 4, line 6, strike "records" and insert "record"; and in line 7 strike the third comma.
2. In committee amendment 1, line 3, strike "records" and insert "record".
3. On page 7, line 7, insert "a" after "and"; and in line 11 strike "establish and maintain".
4. On page 8, line 6, strike "and" and insert "and".
5. On page 11, strike the new matter in lines 2 to 4 and after "retention" in line 8 insert ", and identify and provide proper safeguards for those records which are vital and essential to the agency".
6. On page 14, insert "any" at the end of line 7; in line 8 strike "records" and insert "record" and strike "them" and insert "it".
7. In the Marsh amendment 2, line 1, strike "records" and insert "record".
8. On page 20, line 2, insert "the" after "or".
9. On page 23, lines 17 and 18, strike "Public Records Board" and insert "administrator"; and in line 23 strike "thereof".

LEGISLATIVE BILL 775. Placed on Select File as amended.

E & R amendment to LB 775:

1. In the title, strike line 6 and insert "transition".

LEGISLATIVE BILL 644. Placed on Select File as amended.

E & R amendment to LB 644:

1. Insert on page 5, after line 11, the new material appearing on pages 5 and 6; and in such material strike the first two lines and insert:
"The provisions of this subsection shall not apply to any racing".

LEGISLATIVE BILL 926. Placed on Select File as amended.

E & R amendment to LB 926:

1. In the title, line 4, strike "for".

LEGISLATIVE BILL 919. Placed on Select File as amended.

E & R amendment to LB 919:

1. On page 2, line 18, strike "an" and insert "an"; and in line 23 insert "in this state" after "thereof".

LEGISLATIVE BILL 890. Placed on Select File as amended.

E & R amendments to LB 890:

1. On page 4, line 18, strike "those employees who have" and insert "an employee who has"; insert an underscored comma after "shall" in line 19 and "employment"

in line 20; and in line 20 strike "they return" and insert "he returns".

2. In the title, lines 3 and 4, strike "State Personnel System" and insert "state employees"; in line 5, strike "employees who have" and insert "an employee who has"; in line 7 insert ", if he returns to employment," after "shall"; and in lines 7 and 8 strike "if they return".

LEGISLATIVE BILL 897. Placed on Select File as amended.
E & R amendments to LB 897:

1. Renumber original sections 2 to 6 as sections 6 to 10, original section 7 as section 12, the new section added by committee amendment as section 13, and original sections 8 to 11 as sections 14 to 17.

2. On page 3, line 17, strike "their" and insert "their its"; and at the end of line 26 insert "his name and address".

3. In the Maresh amendment, section 2, line 19, insert "except as provided in this section" before the period.

4. In the Maresh amendments, page 2, line 9, strike "certify within one week" and insert "within one week certify"; in line 13, insert "such" after "When"; in line 15, insert an underscored comma after "election"; and in line 17 insert "thereafter" after "election".

5. In the Maresh amendments, page 4, line 15, insert "of any candidate prior to an election," after "death".

6. On page 4, lines 2 and 3, strike "his name and address," and show as stricken; in line 10 strike "No." and insert "number"; and in line 13 insert an underscored comma after "month".

7. On page 5, line 9, insert an underscored comma after "may"; and at the end of line 27 insert "for the placing of".

8. On page 6, line 6, strike "or nominee or nominees".

9. In the Maresh amendments, page 5, line 8, strike the comma and show the same as stricken.

10. In the Maresh amendments, page 5, insert an underscored period at the end of line 25.

11. In numbered section 11 of committee amendments, strike the sentence beginning in line 1; in line 3, insert "of this state" after "area"; in lines 4 and 6 insert "zone" after "time"; in line 5 insert "in" after the second "and"; in line 9 strike "of the same" and insert "thereof"; in line 16 strike ", in that case,"; in line 30, insert an underscored comma after "time"; and in line 31 insert "otherwise" after "than".

12. On page 8, lines 26 and 27 strike "; Provided, the elector" and insert "if he".

13. On page 9, strike lines 2 and 3 and "established" in line 4 and insert "ward where registered and which lies in

whole or in part within the boundaries of the"; and strike lines 23 and 24 and insert "which precinct or ward lies in whole or in part within the boundaries of this".

14. On page 10, line 3, strike "all" and insert "each"; in line 4, strike "districts" and insert "district"; and strike lines 6 to 9 and insert "conducting the elections of the district: (1) Two hundred dollars for districts having a population of more than one thousand and not more than twenty-five thousand inhabitants, and (2) three hundred fifty dollars for districts having more than twenty-five thousand and not more than fifty thousand inhabitants.".

15. On page 10, strike lines 20 to 27 and amendments thereto, and insert:

"Sec. 17. That original sections 17-204, 19-605, 32-232, 32-430.01, and 32-1001.37, Reissue Revised Statutes of Nebraska, 1943, sections 32-425 and 32-522, Revised Statutes Supplement, 1972, and sections 19-3005, 32-4,101, 32-503.01, and 79-428, Revised Statutes Supplement, 1973, and also sections 19-622, 32-445, 32-446, and 32-447, Reissue Revised Statutes of Nebraska, 1943, sections 19-3004 and 32-314, Revised Statutes Supplement, 1972, and section 79-427, Revised Statutes Supplement 1973, are repealed."

16. In the title, line 2, insert "19-605" after the first comma; in line 4 strike "section 32-425" and insert "sections 32-425 and 32-522"; insert "19-3005," at the end of line 5; and strike beginning with line 8 through the remainder of the title and insert "elections; to clarify and harmonize provisions with previous legislation; to provide when certain actions shall be taken; to provide different election hours for parts of the state; to permit late opening of the polls as prescribed; to provide for the costs of Class III school district elections; and to repeal the original sections, and also sections 19-622, 32-445, 32-446, and 32-447, Reissue Revised Statutes of Nebraska, 1943, sections 19-3004 and 32-314, Revised Statutes Supplement, 1972, and section 79-427, Revised Statutes Supplement, 1973.".

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE BILL 815. E & R amendments found in the Journal on page 1066 for the Forty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 808. E & R amendments found in the Journal on page 1066 for the Forty-third Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Withdraw Motion on LB 877

Mr. Carpenter asked unanimous consent to withdraw his pending motion found in the Journal on page 1073 for the Forty-third Day to return LB 877 to Select File for a specific amendment. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 905. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 499. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 865. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 763. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 614. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 782. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 622. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 876. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 861. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 775. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 644. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 926. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 919. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 890. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 897. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Carpenter announced the Executive Board will meet Tuesday, March 19 at 1:00 p.m. in Room 2102 instead of today.

MOTION—Reconsider Action on LB 870

Mr. Mahoney moved to reconsider action on LB 870 of March 12.

Motion pending. Laid over.

MOTION—Place LB 856 on General File

Mr. Richendifer moved to place LB 856 on General File notwithstanding the Committee action.

Motion pending. Laid over.

UNANIMOUS CONSENT—Approve Appointments

Mr. Whitney asked unanimous consent to consider the following Governor appointments found in the Journal on pages 1078 and 1079 for the Forty-third Day in one record vote: John Reefer, William Lindeken, Terrance E. Pesek and Bruce C. Gillan. No objections. So ordered.

Voting in the affirmative, 26:

Anderson	Carpenter	C. Carsten	Clark	DeCamp
Duis	Fellman	Goodrich	Kennedy	Kime
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Moylan	Richendifer	Savage	Simpson
Snyder	Stahmer	Stull	Syas	Warner
Whitney				

Voting in the negative, 0.

Not voting, 23:

Barnett	Burbach	F. Carstens	Cavanaugh	Chambers
Dickinson	Epke	Fowler	Hasebroock	Johnson
Kelly	Keyes	Kremer	Mahoney	Murphy
Nore	Proud	Rasmussen	Schmit	Skarda
Stromer	Waldron	Wiltse		

The Chair declared the appointments confirmed.

MOTION—Chamber Partitioning

Mr. Carpenter moved that the Legislature direct the Executive Board to further study the desirability of partitioning the South side of the Chamber and to follow through on whatever their decision might be.

The motion lost with 10 ayes, 17 nays and 22 not voting.

UNANIMOUS CONSENT—Bracket LB 877

Mr. Fellman asked unanimous consent to bracket LB 877 on E & R Final until March 18. No objections. So ordered.

MR. SIMPSON PRESIDING

GENERAL FILE

LEGISLATIVE BILL 953. Considered.

Failed to advance to E & R for Review with 21 ayes, 4 nays and 24 not voting.

LEGISLATIVE BILL 499A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 649. Title read. Considered.

PRESIDENT MARSH PRESIDING

Mr. Syas renewed his amendments found in the Journal on page 970-971 for the Thirty-ninth Day.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 6 nays and 25 not voting.

Amendments pending.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 1051. Placed on General File as amended.

Standing Committee amendments to LB 1051:

1. On page 3, lines 11 and 12, strike "under the State Community College Board".
2. On page 5, lines 8 and 9 strike "Department of Health Cash Fund" and insert "Emergency Medical Cash Fund, which is hereby created and which, when appropriated by the Legislature, shall be expended solely for the administration of this act"; and strike lines 23 to 26.
3. On page 6 renumber subdivisions (2) to (5) as subdivisions (1) to (4).
4. On page 8, strike the sentence beginning on line 12.
5. On page 9, line 21, insert "or licensed nurse" after "physician".
6. On page 16, line 18 strike "seven" and insert "six"; and in line 19 insert "one of whom shall be a representative of the Advanced Red Cross," after the comma.

(Signed) Thomas C. Kennedy, Chairman

VISITORS

President Marsh introduced 73 Ninth Grade students and teachers from Bloomer School, Council Bluffs, Iowa; 25 Head Start day care students from Lincoln and Director; 20 Civic Newcomers to Lincoln and their Leader; 60 Third Grade students and teachers from Belmont School, Lincoln; 50 North East Nebraska citizens from the Norfolk Area; 45 Third Grade students and teachers from Randolph School, Lincoln.

RECESS

At 11:55 a.m., on a motion by Mr. Duis, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:08 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Dickinson, Epke, Kremer, Rasmussen, Schmit and Waldron who were excused; Mr. Proud who was excused until he arrives; Messrs. Carpenter, Clark, Duis and Keyes who were excused for a short time and Messrs. Chambers, Barnett, Fellman, Fowler and Richendifer who were absent until 3:15 p.m.

UNANIMOUS CONSENT—Refer LB 1052 for Public Hearing

Mr. DeCamp asked unanimous consent to refer LB 1052 to a Committee for a public hearing.

The Chair ruled the request out of order, being out of time.

Mr. DeCamp moved to refer LB 1052 to a Committee for a public hearing.

Mr. Stahmer moved to amend the motion to send LB 1052 to the Appropriations Committee.

The Stahmer amendment prevailed 14 ayes, 7 nays and 20 not voting.

Mr. DeCamp asked unanimous consent to withdraw his motion. No objections. So ordered.

MOTION—Bracket LB 1052

Mr. DeCamp made a motion to bracket LB 1052 indefinitely.

Mr. Duis moved to amend the motion to place LB 1052 at the bottom of General File. The amendment prevailed.

The motion, as amended, prevailed.

ANNOUNCEMENT

Mr. Marvel announced the Appropriations Committee will meet Thursday, March 14 at 8:30 a.m. in room 1003.

UNANIMOUS CONSENT—Print Amendment to LB 821

Mr. Stull asked unanimous consent to print a proposed amendment to LB 821. No objections. So ordered.
(Amendment printed separate from the Journal and on file in the Clerk's office).

GENERAL FILE

LEGISLATIVE BILL 649. Considered.

Mr. Syas renewed his pending amendments found in the Journal on pages 970 and 971 for the Thirty-ninth Day.

The amendments were adopted with 21 ayes, 6 nays and 22 not voting.

Mr. Warner moved to indefinitely postpone.

The motion lost with 12 ayes, 23 nays and 14 not voting.

Mr. Cavanaugh offered the following amendment:
Strike the Syas amendment and strike "partisan" wherever it appears in the bill.
Strike line 19 page 2.

The amendment lost with 11 ayes, 16 nays and 22 not voting.

Mr. Stromer moved to advance LB 649 to E & R for Review.

Mr. Stromer moved for a Call of the House. The motion prevailed with 19 ayes, 16 nays and 14 not voting.

The Call showed 41 members present.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

LB 649 failed to advance to E & R for Review with 20 ayes, 14 nays and 15 not voting.

ANNOUNCEMENT

Mr. Chambers announced an executive session of the Government, Military and Veterans Affairs Committee immediately after adjournment.

MOTION—Reconsider Action on LB 677

Mr. Marvel moved to reconsider action in indefinitely postponing LB 677.

Motion pending. Laid over.

STANDING COMMITTEE REPORT Government, Military and Veterans Affairs

LEGISLATIVE BILL 705. Placed on General File as amended.
Standing Committee amendments to LB 705:

1. Strike the original sections 1 and 2 and insert the following:

"Section 1. That section 7-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

7-102. (1) The Supreme Court shall fix times when examination shall take place, which may be either in term or vacation, and shall prescribe and publish rules to govern such examinations and may appoint a commission composed of not less than three persons learned in the law to assist in or conduct any such examination or examinations. Within ten days following the examination, the commission shall file a copy of the examination with the Clerk of the Supreme Court, which copy shall be a public record. The Clerk of the Supreme Court shall furnish a copy of any such examination to any person for a fee of ten cents per page where the size of the page does not exceed 8 1/2 x 14 inches and fifteen cents per page where the size of the page is in excess thereof. Within ten days following the examination, the commission shall file the examination papers of all applicants with the Clerk of the Supreme Court, which examination papers shall not become a public record and shall be retained by the Clerk of the Supreme Court for a period of six months. The examination papers of any applicant may be inspected by only that applicant personally and not by any other person, and the Clerk of the Supreme Court shall furnish

a copy of such examination papers to that applicant, but no other person, for a fee of ten cents per page where the size of the page does not exceed 8 1/2 x 14 inches and fifteen cents per page where the size of the page is in excess thereof.

(2) ~~But~~ No person shall be admitted to the bar unless such person is at least twenty-one years of age, and of good moral character, and unless such person either has had a preliminary education other than legal, equivalent to that involved in the completion of the first three years of a high school course accredited by the state department of public instruction and has regularly and attentively studied law in a reputable law school or in the office of a practicing attorney, or partly in such school and partly in such office, for a period of at least three years, at least one year of which office study shall have been passed in a law office in this state, or shall have been the regular, qualified and acting clerk of the Supreme Court of any district court of this state for at least eight years, and shall pass a satisfactory examination upon the principles of the common law, equity, criminal law, statutes and practice of this state; or is a regular graduate of the College of Law of the University of Nebraska or of such other college of law of this state having entrance requirements and a course of study equal to and equivalent to those of the law school of the University of Nebraska, as the Supreme Court shall, upon application and showing, designate as a college of law whose graduates shall be entitled to admission without examination; Provided, such other college of law shall be a member of the Association of American Law Schools. Provision shall be made, by rule of court, for the registration of students in law offices in this state, at the beginning of their respective terms of study in the office of the Clerk of the Supreme Court or the office of the clerk of the district court of the county in which any such law office is located.

Sec. 2. That original section 7-102, Reissue Revised Statutes of Nebraska, 1943, are repealed."

(Signed) Ernest Chambers, Chairman

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 602. Replaced on Select File as amended.
E & R amendments to LB 602:

1. On page 2, line 9, strike "or".
2. In the Marsh amendment 2, line 6, insert an underscored comma after "structure".
3. In the Marsh amendment 4, line 8, strike the first comma.
4. In the Marsh amendments, strike the longhand indications of section numbers and reinstate the typed section numbers.

5. In lieu of the Burbach amendment, in the Marsh amendments, page 6, line 9, insert "agricultural purposes or" after "for".

LEGISLATIVE BILL 997. Placed on Select File as amended. E & R amendments to LB 997:

1. Pursuant to the Carpenter amendment found on page 626 of the journal, on page 21, line 21, strike "870,000" and insert "2,370,000".

2. In the Marvel amendment found on page 967 of the journal, strike all stricken matter and remove all underscoring.

3. In line 8 of the Marvel amendment 19 to page 30, strike "after" and insert "at the end of".

4. In lieu of the Marvel and Carpenter amendments thereto, on page 8, line 13, strike "899,308" and insert "1,242,618".

5. In line 5 of the Carpenter amendment on page 7, after line 24, insert "State" before the first "Department"; and in lieu of the interlined material insert "technical community colleges,".

6. Pursuant to the Carpenter amendments to section 22, pages 21 and 22, on page 22 strike all amendments to lines 18 to 22; on page 22, line 18, strike "1,430,636" and insert "3,030,636"; and in line 21 strike "2,420,175" and insert "4,020,175".

7. In the Richendifer amendment 2, insert "received" at the end of line 2.

8. In the Stahmer amendment, strike lines 3 and 4 and insert "the Commission on Mexican-Americans and the Commission on Indian Affairs.".

9. On page 40, lines 17 and 18, strike "Nebraska Indian Commission" and insert "Commission on Indian Affairs".

10. On page 53, line 26, insert "Department of" after "(7)".

11. Insert on page 34, after line 20, the new paragraph of the Kremer amendment as such amendment existed prior to the Carpenter amendment thereto and in line 1 thereof insert "further" after "hereby"; and in line 3 insert "which amount is not included in the Fund or Total figures shown in this section," after the comma.

12. In the title, line 4, insert "to make an appropriation for the period July 1, 1975 to June 30, 1976;" after the semicolon.

LEGISLATIVE BILL 789. Placed on Select File as amended.
E & R amendments to LB 789:

1. In committee amendment 1, line 6, strike the second "the" and insert "that".
2. In the title, line 3, strike "and 44-1627" and insert "44-1627, and 44-1628"; and in line 5 insert "to provide for part-time employees; to change financing provisions; to provide for payroll deductions;" after the semicolon.

LEGISLATIVE BILL 1001. Placed on Select File as amended.
E & R amendments to LB 1001:

1. In lieu of the Simpson amendment, on page 3, line 24, insert "unless excused by his supervisor" after "holiday".
2. In the title, line 3, insert "the" after "to"; and strike lines 4 to 7 and insert "work week; to harmonize with other legislation; to define terms; to provide for time off for work done on paid holidays as prescribed;".

LEGISLATIVE BILL 1003. Placed on Select File as amended.
E & R amendments to LB 1003:

1. On page 2, insert an underscored comma at the end of line 6; in line 7 insert "who" after "and"; in line 20 strike "those employees who have" and insert "any employee who has"; and in line 22 strike "if they return" and insert ", if he returns" and insert an underscored comma after "employment".
2. On page 3, line 2, insert an underscored comma after "retirement"; and in line 6 strike "termination or" and show as stricken.
3. In the title, line 4, strike "the state personnel system" and insert "state employees"; and strike lines 5 to 8 and insert "redefine a term; to provide for reinstatement of sick leave; to eliminate payment for unused sick leave upon resignation; and to repeal the".

LEGISLATIVE BILL 692. Placed on Select File.

LEGISLATIVE BILL 685. Placed on Select File as amended.
E & R amendments to LB 685:

1. On page 2, line 22, strike "where" and insert "in which".
2. On page 4, line 15, strike the comma.
3. On page 6, line 13, strike the comma.
4. In the title, line 4, insert "to provide penalties; to provide to which date this act shall be operative;" after the second semicolon.

LEGISLATIVE BILL 499A. Placed on Select File as amended.

E & R amendment to LB 499A:

1. On page 2, line 7, and in the title, lines 9 and 10, strike "Second Session, 1974" and insert "First Session, 1973".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to consider the Select File bills reported in this afternoon. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 602. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 997. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 789. E & R amendments found in this day's Journal were adopted.

Mr. Whitney offered the following amendment:

1. In the committee amendment new section 7, line 7, insert "entirely at his own expense" after "deduction"

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1001. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1003. E & R amendments found in this day's Journal were adopted.

Mr. Whitney offered the following amendment:

1. Strike the Standing Committee Amendment, on page 3, line 3 strike "good standing" and insert "good-standing lieu thereof".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 692. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 685. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 499A. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print Amendments to LB 302 in the Journal

Mr. Goodrich asked unanimous consent to print the following amendments to LB 302 in the Journal. No objections. So ordered.

(1)

1. On page 2 of the Standing Committee amendments, line 13, strike the second "and", and insert "or"; and strike lines 24 to 27.

2. On page 3 of the Standing Committee amendments line 1, strike "and alcoholism programs.", and insert "There shall be six mental health regions."

3. On page 4 of the Standing Committee amendments, line 9, insert "annual" after "require", insert "and periodic reports" after "budget"; in line 10, strike "region", and insert regional governing board," insert "and reports" after "budgets", and insert "and actual" after "expected"; in line 25, insert "The director shall review and approve in accordance with applicable regulations promulgated and adopted as provided in this section, all" after the period, strike "Contracts may be" and insert "contracts"; in line 26, strike "those", insert "and agencies", and strike "designated", and insert "governing" after "regional".

4. On page 5 of the Standing Committee amendments, line 1 strike "supervision" and insert "provision", strike "all" and insert "any", and insert "drug abuse or alcoholism facilities" after "health"; and in line 15, insert the following after the period: "The director may withhold the payment of state funds for failure to comply with the regulations of the department, or the provisions of this act."

5. On page 6 of the Standing Committee amendments, line 14, strike "center" and insert "services program"; in line 17 insert "and the members of the state citizens' advisory committee" after "board"; and in line 20, insert "regional governing" after "the".

6. On page 7 of the Standing Committee amendments, line 5, strike "paid by" and insert "requested of"; in line 13, insert "regional plan for" after "the"; and in line 24, insert the following after "agency": "by and regional governing board or any service agency contracting for any receiving funds under the provisions of this act".

7. On page 8 of the Standing Committee amendments, line 15 insert "and" after the first comma, and strike beginning with the second comma through the second comma in line 17.

8. On page 10 of the Standing Committee amendments, line 2, strike "governing board" and insert "service agency".

(II)

1. In the Standing Committee amendments, insert a new section 10 to read as follows:

"Sec. 10. All counties shall belong to their designated regions. No county shall transfer into a region other than that designated in this act.

Individual counties may contract with any of the regions created by this act for purposes of providing specific services to the people of the county."

2. Renumber sections 10 to 16 of the Standing Committee amendments as sections 11 to 17.

MOTION—Adjournment

Mr. Carpenter moved to adjourn until 10:00 a.m., Monday, March 18.

Mr. C. Carsten moved to amend the motion to 9:00 a.m., Thursday, March 14.

The amendment lost with 11 ayes, 19 nays and 19 not voting.

The Carpenter motion prevailed with 28 ayes, 3 nays and 10 not voting.

At 4:10 p.m., the Legislature adjourned until 10:00 a.m., Monday, March 18, 1974.

Vincent D. Brown
Clerk of the Legislature

FORTY-FIFTH DAY—MARCH 18, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 18, 1974

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor of the Westminster Presbyterian Church.

O God, our Father, ere we become involved in the routine of the day, we pause to seek Thy help. Experienced in the ways of men, we know all too little of the ways of God.

But You know each one of us, O Father, by name and by our needs. Turn our wayward minds and hearts to Thee. Forgive the faults and failures of the past and set us free from them, to serve our Community and State, joyfully.

Forgive, O Lord our failure to apply to ourselves the standards of conduct we often demand of others. Forgive the slowness to see the good in our fellows and to see the evil in ourselves.

We pray, today for our Governor, our Lt. Governor and presiding officer. We pray for each Senator that he and she might do his and her best, that the decisions made will bring only good to the people of our state. Let your blessing be upon us, through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. F. Carstens who was excused and Messrs. DeCamp and Kennedy who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-fourth Day was approved.

MESSAGES FROM THE GOVERNOR

March 13, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 722, 735, 737, 738, 739, 742, 744, 747, 748, 794, 811, 828, 833, 975, and 975A.

These bills were signed by me on March 13, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:fw

March 14, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

It is with regret but in the interests of fiscal responsibility and prevention of tax increases that I return herewith LB 855 without my signature and with my objections.

My esteem for our late Poet Laureate, John G. Neihardt, is as glowing after his death as when we were the fortunate ones to know and enjoy this great man and his words.

It is entirely fitting that Nebraska consider, at some appropriate time, a Neihardt Center. Were the money available, this would be the "appropriate time." In my opinion, that is not the case today because I cannot anticipate piecemeal legislative spending or what your eventual budget figures will be.

As I said in my budget address and have emphasized since, I urge caution on spending measures, and once again request the Legislature develop reasonable spending priorities.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:fw

March 14, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have recieved Engrossed Legislative Bill No. 736.

This bill was signed by me on March 13, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

March 14, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 694, 734, 784, 796, 813, 822, 829, and 893, and Reengrossed Legislative Bill No. 641.

These bills were signed by me on March 14, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINIONS

Opinion No. 156
March 13, 1974

Dear Senator Goodrich:

You have made inquiry of this office on LB 616 with attention to the constitutionality of the sections on transportation charges.

The bill as presently amended contains Sections 6, 7 and 8 on transportation charges and specifically deals with a minimum service

charge of \$1.50 to be paid by the retailer to the wholesaler on each case or portion of case of alcoholic liquor, except beer, delivered, with a minimum number of 3 cases. No charge is made when the order is picked up at the premises of a wholesaler. The Sections further provide for all transportation charges on alcoholic liquor, except beer, to be prepaid by the wholesaler and further that the minimum service charge may be increased or decreased by the Nebraska Liquor Control Commission if the general transportation charges on alcoholic liquor are increased or decreased by the Public Service Commission and with a final provision that the Liquor Commission may increase or decrease the minimum service charge in accordance with any increase or decrease in a wholesaler's cost of doing business.

Our Nebraska Supreme Court has in recent years had an opportunity to rule on several cases dealing with the sale and distribution of alcoholic liquors. Terry Carpenter, Inc. vs. Nebraska Liquor Control Commission, 175 Neb. 26, 120 N.W. 2d 374; Tom & Jerry, Inc. vs. Nebraska Liquor Control Commission, 183 Neb. 410, 160 N.W. 2d 232; Central Markets West, Inc. vs. State of Nebraska, 186 Neb. 79, 180, N.W. 2d 880. In these cases our court has stated that in the field of alcoholic liquors the state has broader powers and the laws regulating the liquor industry may be more stringent in comparison to other industries. But at the same time as making the above pronouncements our court has stated that the liquor business is lawful and that laws and regulations provided therefore must be pursuant to a legitimate excise of the state's police power, which precludes regulation that is arbitrary and discriminatory.

The effect of Sections 6, 7, and 8 in LB 616 is compelling the wholesaler to absorb the delivery cost but offset by the minimum service charge payable by the retailer. The ultimate objective is to establish a uniform price from wholesalers to retailers throughout the State of Nebraska. That result is very doubtful of being obtained. Compelling the wholesaler to absorb the delivery costs could be found by the courts to be unconstitutional if there is no reasonable relationship between the law and the public welfare of the people of the State of Nebraska. The argument and the holding made in the Tom & Jerry case and Central Markets case and also in Safeway vs. Nebraska Liquor Control Commission, 179 Neb. 817, 140 N.W. 2d 668; would seem to favor the constitutionality of the proposed legislation. The mobility of people, the quickness of travel from one corner of the state to the other, the absolute similarity of product and the evils associated with the unrestricted sales of alcoholic liquor would be a compelling argument for a court to uphold the constitutionality of the sections on transportation charges.

It appears that the proposed legislation is certainly questionable, but we cannot say that the bill, if passed, is so clearly invalid that the presumption in favor of constitutionality of legislation would be destroyed.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) BY Robert R. Camp
Assistant Attorney General

RRC:mif
cc: Vincent D. Brown

Opinion No. 157
March 18, 1974

Dear Senator Syas:

Your March 13 letter asks a series of questions related to L. B. 649 which, as introduced, would propose to amend section 7 of Article III of our Constitution to provide with reference to the Legislature that, "Each member shall be nominated and elected in a partisan manner."

The first question: "Generally, does the term 'partisan' denote affiliation with an established political party by voter registration or otherwise?" That would have to be answered in the affirmative. In the Nebraska election laws, it appears that we use the words 'non-partisan' and 'non-political' interchangeably.

You next ask: "Is a person registered Independent in Nebraska affiliated with a political party or in the alternative, are the Independents a political party in Nebraska?" Section 32-114 of our statutes provides: "political party shall mean an assemblage or organization of electors by the law designated as such." Obviously, there is not an "Independent" party in Nebraska, and so voters not registering as members of recognized political parties cannot be considered as members of a political party.

You ask: "Under the original concept of L. B. 649, introduced and advanced by committee, would it allow independents to file for the Legislature in Nebraska in the primary?" The answer is no. There is no provision in Nebraska law for independents to participate in a primary held for the purpose of selecting candidates for partisan political offices. This is not to say that it is constitutionally necessary to provide for a primary for independent or non-partisan electors, so long as a means is provided for them to place their candidate or candidates on the general election ballot by petition. The State of Hawaii does make provision for a primary for independents. There laws provide:

"There shall be only one primary or special ballot for each party, * * *." (Sec. 12-21)

"There shall be only one primary or special primary ballot containing the names of all nonpartisan candidates to be voted for and the offices for which they are candidates. * * *." (Sec. 12-22)

"No person shall be entitled to vote at a primary or special primary election who shall refuse to state his party preference or nonpartisanship * * *." (Sec. 12-31)

Your final question is: "Do provisions of L.B. 649, as introduced and if adopted by the people, violate the United States Constitution?" The answer would be yes, if L. B. 649 as introduced were to be interpreted as limiting membership in the legislature to members of a political party. In this respect the wording of the original bill was perhaps unfortunate as providing a basis for inviting a lawsuit to interpret and establish the meaning of the amendment.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:dnj

cc: Vincent D. Brown

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 354. Replaced on Select File as amended.
E & R amendments to LB 354:

1. In line 3 of E & R 5, strike "20" and insert "21".
2. In line 2 of E & R 12, strike "line 12" and insert "line 25".
3. In E & R 14, line 2, strike "lines 2 and" and insert "line"; in line 3 strike the first "line" and insert "page"; and in line 7 strike "line 7" and insert "line 13".
4. Strike E & R 34.
5. In E & R 44, line 2, strike "9" and insert "8".
6. In E & R 45, insert quotation marks before line 3; and in the last line insert a period after "11".
7. On page 48, line 18, strike the semicolon and insert a comma.
8. In the Marvel amendment 6, 3/6, line 1, strike "after" and insert "at the end of".

LEGISLATIVE BILL 995. Replaced on Select File as amended.
E & R amendments to LB 995:

1. On page 6, line 22, strike "director" and insert "officer".
2. On page 12, line 21, strike the period and insert a semicolon.
3. On page 15, line 27, strike "public" and insert "county".

LEGISLATIVE BILL 721. Replaced on Select File as amended.
E & R amendment to LB 721:

1. In the Carpenter amendment adding section 5, line 10, strike "this act" and insert "sections 8-1101 to 8-1124".

LEGISLATIVE BILL 921. Replaced on Select File as amended.
E & R amendments to LB 921:

1. On page 2, line 26, as amended, insert a period after "felony".
2. In line 2 of E & R 4, strike "5" and insert "6".
3. On page 2, line 13, insert an underscored comma after "1954".
4. In new section 2, reinstate "or" in line 16, the semicolon in line 31, and the period in line 52; and strike lines 107 and 108.
5. On page 3, line 24, insert a comma after "39-723.04".
6. On page 6, line 17, strike "lawful" and insert "legal".
7. In new section 4, line 47 and lines 49 and 50, strike "on a single axle or group of axles" and insert the same after "load" in lines 46 and 48.

LEGISLATIVE BILL 499. Replaced on Select File as amended.
E & R amendments to LB 499:

1. On page 5, line 3, strike "(4)" and insert "(3)".
2. In section 5, line 5, strike "bill" and insert "act".

LEGISLATIVE BILL 782. Replaced on Select File as amended.
E & R amendment to LB 782:

1. In the title, as amended, line 8, insert "and" after the semicolon; and strike line 9 and insert "date."

LEGISLATIVE BILL 861. Replaced on Select File as amended.
E & R amendments to LB 861:

1. Strike the E & R amendment to page 7, line 7.
2. On page 18, line 6, insert "Nebraska" after the second "the".
3. On page 19, line 23, and page 20, line 3, insert "Nebraska" before "State".

LEGISLATIVE BILL 789. Replaced on Select File as amended.
E & R amendments to LB 789:

1. In committee amendment 2, line 2, strike the comma.

2. In E & R 2, line 5, insert "second" after "the".

LEGISLATIVE BILL 1003. Replaced on Select File as amended.
E & R amendments to LB 1003:

1. In lieu of the Whitney amendment to page 3, line 3, insert "in lieu of retirement" after "resignation" on page 3, line 2; and in line 3 strike "in good standing," and show as stricken.

2. Strike E & R 2.

3. In E & R 3, strike beginning with "to" in line 4 through the semicolon in line 5.

Correctly Engrossed

The following bill was correctly re-engrossed: 614.

The following bills were correctly engrossed: 293, 327, 629, 660, 685, 733, 790A, 808, 812, 815, 821, 865, 865A, 897, 905, 942, 951, 961, 983, 983A, 997, 1007 and 1015.

Correctly Enrolled

The following bills were correctly enrolled: 647, 654, 676, 689, 723, 768, 807, 864, 881, 965, 966, 974, 976, 991, 992, 993, 994, 1013, 1014 and 1025.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 647, 654, 676, 689, 723, 768, 807, 864, 881, 965, 966, 974, 976, 991, 992, 993, 994, 1013, 1014 and 1025.

STANDING COMMITTEE REPORTS **Education**

LEGISLATIVE BILL 362. Placed on General File as amended.
Standing Committee amendment to LB 362:

1. Strike original sections 1 and 2 and insert the following:

“Section 1. Commencing July 1, 1978, no state-supported institution of higher education in this state shall charge, bill, or collect from any student any fee or charge of any kind other than for the direct and primary educational purpose of the institution except for dormitory or other space actually occupied for living quarters, food service contracts, student health services, admission to athletic events, or for the payment of principal and interest on revenue bonds outstanding on the effective date of this act.

Sec. 2. Commencing July 1, 1975, each state-supported institution of higher education in this state shall begin an orderly reduction in its collection and administration of student fees and charges other than for the purposes permitted by section 1 of this act so as to reduce the total received and expended for such purposes in fiscal year 1975-76 to not more than seventy per cent of the 1974-75 level, in 1976-77 to not more than forty per cent of such level, and to eliminate such expenditures completely by the end of the 1977-78 fiscal year.

Sec. 3. Commencing July 1, 1978, all student activities, other than those named in section 1 of this act shall be administered and financed solely by recognized student associations through student solicitations, admission payments, and voluntary contributions. For purposes of this section, recognized student association shall mean an association of students formally organized as a student membership body for specific purposes of substantial interest within the student body and having a written charter, constitution, or other document setting forth its purposes and objectives, the terms and conditions of membership, and provisions for its democratic government, which association has made application to and received recognition from the chief administrative official of the institution or his delegate. Recognition shall not be denied to any association meeting the requirements of this section and which agrees to abide by the terms of this act. Any student organization denied recognition may appeal to the governing body of the institution for a public hearing on the question of its right to recognition.

Sec. 4. The governing body of each state-supported institution of higher education shall prescribe a uniform system of accounts to be maintained by and annual reports to be submitted to it by each student association recognized under section 3 of this act. The books of account shall be open to inspection at any reasonable time by any member of the association or administrative official of the institution and shall be audited at such times as the governing body of the institution shall determine but not less often than once a year. A report of each such audit shall be a public record open for inspection and shall be published in such manner as the governing body of

the institution shall prescribe, and a copy thereof shall be furnished to each member of the association.

Sec. 5. In order to achieve the transition contemplated by this act, student associations, whether in existence on or formed after the effective date of this act, may apply for and receive recognition and may operate at any time during the phase-out period provided in section 2 of this act.

Sec. 6. (1) The recognition of any association may be revoked or suspended or the association may be otherwise disciplined for willful or repeated violations of this act or of its written charter, constitution, or other document referred to in section 3 of this act as the governing body shall determine after a public hearing on the charges held after notice and an opportunity to be heard.

(2) The members of any unrecognized student association violating any provision of this act shall be subject to dismissal, suspension, or such lesser disciplinary action as the governing body of the institution shall determine after a public hearing on the charges held after notice and opportunity to be heard.

(3) Any official of any state-supported institution of higher education in this state who shall violate any provision of this act shall be subject to dismissal, suspension without pay, or such other disciplinary action as the governing body of the institution shall determine after a public hearing on the charges held after notice and an opportunity to be heard.

Sec. 7. The governing body of each state-supported institution of higher education shall adopt rules and regulations necessary for the administration of the provisions of this act.”.

(Signed) Jerome Warner, Chairman

COMMUNICATION

Acknowledged receipt of Senate Resolutions from Georgia regarding Workmen's Compensation Laws.
Resolutions on file in the Clerk's office.

NOTICE OF COMMITTEE HEARING Urban Affairs

LR 116 Tuesday, March 26, 1974

12:30 p.m.

(Signed) Duke Snyder, Chairman

MOTION—Override Veto on LB 855

Mr. Richendifer moved to override the Governor's veto on LB 855.

The question is, "Shall the bill pass notwithstanding the objections of the Governor?"

Mr. Richendifer moved for a Call of the House. The motion prevailed with 18 ayes, 2 nays and 29 not voting.

The Call showed 45 members present.

Mr. Richendifer requested a roll call vote.

Voting in the affirmative, 22:

Anderson	Carpenter	Chambers	Duis	Hasebroock
Johnson	Kelly	Luedtke	Marsh	Marvel
Murphy	Proud	Rasmussen	Richendifer	Schmit
Simpson	Snyder	Stahmer	Stromer	Waldron
Warner	Wiltse			

Voting in the negative, 21:

Barnett	C. Carstens	Cavanaugh	Clark	Dickinson
Epke	Fellman	Fowler	Goodrich	Keyes
Kime	F. Lewis	R. Lewis	Mahoney	Maresh
Moylan	Savage	Skarda	Stull	Syas
Whitney				

Not voting, 6:

Burbach	F. Carstens	DeCamp	Kennedy	Kremer
Nore				

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

Mr. Barnett requested his vote changed from yes to no for purposes of reconsideration.

Mr. Waldron moved the Call be raised. The motion prevailed with 37 ayes, 0 nays and 12 not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 202. Indefinitely postponed.
LEGISLATIVE BILL 451. Indefinitely postponed.
LEGISLATIVE BILL 566. Indefinitely postponed.
LEGISLATIVE BILL 628. Indefinitely postponed.
LEGISLATIVE BILL 669. Indefinitely postponed.
LEGISLATIVE BILL 574. Placed on General File.
LEGISLATIVE BILL 774. Placed on General File.
LEGISLATIVE BILL 867. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage.

LEGISLATIVE BILL 972. Mr. Dickinson moved to return LB 972 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Savage moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The Dickinson motion lost with 8 ayes, 28 nays and 13 not voting.

A BILL FOR AN ACT relating to public welfare; to prescribe situations when the Department of Public Welfare shall provide statewide child care services; to provide for notice; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	Duis	Fellman
Fowler	Goodrich	Johnson	Kelly	Keyes
F. Lewis	R. Lewis	Luedtke	Mahoney	Marsh
Marvel	Moylan	Proud	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stull	Waldron	Warner	Whitney	

Voting in the negative, 9:

Dickinson	Hasebroock	Kime	Kremer	Maresh
Nore	Rasmussen	Stromer	Syas	

Not voting, 6:

F. Carstens	DeCamp	Epke	Kennedy	Murphy
Wiltse				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MESSAGE FROM THE GOVERNOR

March 15, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 779.

This bill was signed by me on March 15, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

MOTIONS—Introduce Bills

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations (Req. 1613).

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. 1630) The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1053. By Appropriations Committee; Marvel, 33rd District, Chairman; Clark, 47th District; Nore, 22nd District; Stahmer, 8th District; Simpson, 46th District; Savage, 10th District; Johnson, 15th District; Whitney, 44th District; Marsh, 29th District.

A BILL FOR AN ACT making appropriations for certain agencies of state government for the period July 1, 1974 to June 30, 1975; to recite limits and conditions on the expenditures of funds from the appropriations so made; and to declare an emergency.

LEGISLATIVE BILL 1054. By Appropriations Committee; Marvel, 33rd District, Chairman; Clark, 47th District; Nore, 22nd District; Stahmer, 8th District; Simpson, 46th District; Savage, 10th District; Johnson, 15th District; Whitney, 44th District; Marsh, 29th District.

A BILL FOR AN ACT making appropriations for certain agencies of state government for the period July 1, 1974 to June 30, 1975; to recite limits and conditions on the expenditures of funds from the appropriations so made; and to declare an emergency.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules and place LB 1053 and LB 1054 directly on General File. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

UNANIMOUS CONSENT—Order of Day

Mr. Marvel asked unanimous consent to consider LB 1053 and LB 1054 on General File immediately after recess. No objections. So ordered.

Mr. Carpenter asked unanimous consent to consider the other expenditure bills directly after LB 1053 and LB 1054 on General File. No objections. So. ordered.

NOTICE OF COMMITTEE HEARING
Committee on Committees

March 15, 1974

The Committee on Committees will meet at 8:00 AM, Tuesday, March 26, 1974, in the East Lounge, Room 2230, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Hugh Riley — Nebraska Highway Bond Commission

Bryan Quigley — Nebraska Highway Bond Commission

Ronald J. Mertens — Director, Department of Economic Development

Carlin Whitesell

Advisory Committee to the Department of Economic Development (reset)

Everett A. Lillich — State Highway Commission

Richard Dugdale — Environmental Control Council

Herbert G. Andrews — Motor Vehicle Industry Licensing Board

Walter R. Louis — Motor Vehicle Industry Licensing Board

Richard L. DeBacker — Court of Industrial Relations

Herman A. Brockmeier — State Personnel Board

(Signed) Ramey C. Whitney, Chairman

UNANIMOUS CONSENT—Print Amendments to LB 727 in Journal

Mr. Kennedy asked unanimous consent to print the following amendments to LB 727 in the Journal. No objections. So ordered.

1. On page 4, strike beginning with the comma in line 13 through the comma in line 14.
2. On page 5, line 13, insert "duly certified by an independent certified public accountant," after "statements".
3. On page 7, line 3, insert "and the Director of Health" after the first "director" and insert "or the Director of Health" after the second "director"; in line 4 strike "thirty" and insert "sixty"; in line 24 insert "for licensing and compliance" after "regulations"; insert "pursuant to Chapter 71, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto;" after "Health"; and strike beginning with "for" in line 24 through the semicolon in line 26.
4. On page 8, line 21 strike "thirty" and insert "sixty".
5. On page 9, line 26 insert "department or agency of federal or state" after "a".
6. On page 10, strike lines 10 through 12, and insert:
 "(e) The health maintenance organization shall provide for adequate public representation on its governing body pursuant to section 5 of this act;".
7. On page 11, line 3 insert "as licensed according to the provisions of Chapter 71, article 20, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto," after the first comma; and in line 13 insert "licensed" after "through".

8. On page 12, line 4 insert "for health care services" after "benefits"; in line 17 strike "thirty" and insert "sixty"; strike line 22 and insert "not materially affecting the condition of the health maintenance organization."; and in line 25 strike "or both" and insert "and shall provide for adequate representation of the public" after the comma.

9. On page 13, line 4 insert the following after the period: "The participation of enrollees shall be in an advisory capacity and shall not be binding upon the governing body."; in line 9 strike "enrollees" and insert "corporation".

10. On page 14, line 14 insert "and" after the semicolon; and strike lines 21 through 25.

11. On page 15, line 10 strike "changes" and insert "charges".

12. On page 16, line 6 strike "If"; in line 7 strike "the" and insert "The", strike "not", and insert "or disapprove" after "approve"; and in line 8 strike "thirty" and insert "sixty".

13. On page 19, strike beginning with "and" in line 20 through "it" in line 21.

14. On page 23, line 18 insert "and amendments thereto" after the second comma; in line 27 strike "Among other things, under" and insert "Under".

15. On page 24, strike beginning with "and" in line 7 through "plan" in line 9; strike lines 13 to 20 and re-number subsections (3) to (5) as subsections (2) to (4); in line 21, strike beginning with "and" through "provider" in line 22; and in line 23 strike beginning with "and" through "them" in line 24.

16. On page 26, line 16, insert the following after "operation": "and fails to provide for adequate public representation on its governing body".

17. On page 33, line 3 insert the following after "laws": "not relevant to the operation of a health maintenance organization as determined by the director"; in line 16, insert the following after the period: "No health maintenance organization shall engage in or permit any advertising which identifies, refers to, or makes any qualitative judgment concerning any health professional who provides services for a health maintenance organization."; and in line 25, insert "or provider" after "person".

18. On page 34, line 23, strike beginning with the first comma through the second comma.

UNANIMOUS CONSENT—Print Amendment to LB 678 in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 678 in the Journal. No objections. So ordered.

1. In the standing committee amendments, page 3, line 8, insert the following after the period: "No ad valorem taxes to be used for the payment of principal and interest of off-street parking facility bonds shall be levied without an affirmative vote of the people in a general or special election on the question of such levy."

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to consider advancing LB 354 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 354. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION—Place LB 963 on General File

Mr. Carpenter moved to place LB 963 on General File notwithstanding the Committee action.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 27:

Anderson	Barnett	Carpenter	C. Carsten	Cavanaugh
Chambers	Fellman	Fowler	Goodrich	Keyes
F. Lewis	Luedtke	Mahoney	Marsh	Marvel
Moylan	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stull	Syas
Waldron	Warner			

Voting in the negative, 18:

Burbach	Clark	Dickinson	Duis	Epke
Hasebroock	Johnson	Kelly	Kremer	R. Lewis
Maresh	Murphy	Nore	Proud	Rasmussen
Stromer	Whitney	Wiltse		

Not voting, 4:

F. Carstens DeCamp Kennedy Kime

The motion prevailed with 27 ayes, 18 nays and 4 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 126.

Introduced by Warner, 25th District.

WHEREAS, present statutes outlining contractual rights and obligations of teachers, administrators, and school officials directly affect many people throughout the state; and

WHEREAS, there is considerable uncertainty as to procedures and requirements dictated by these statutes, particularly with reference to teachers and administrators employed in Class I, II, III, and VI school districts; and

WHEREAS, it is in the interest of teachers, administrators, school officials, and the patrons of the schools, to have clearly established procedures and requirements for the protection of the rights and responsibilities of all involved in contract terminations; and

WHEREAS, the procedures and requirements specified by state law are crucial to a clear definition of such rights and responsibilities; and

WHEREAS, this Legislature recognizes the importance of formulating clearly defined objectives in the area of contractual obligations so that state law may promote these objectives

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That the Education Committee of the Legislature shall undertake an interim study of the procedures and requirements needed to properly define the rights and obligations of teachers, administrators, and school officials in the area of contract termination and report its findings to the Eighty-fourth Legislature, First Session.

2. That the interim study committee, given the legal requirements of both procedural and substantive due process, consider the conditions under which a contract termination hearing should be held and the procedures to be followed at such a hearing.

3. That the interim study committee consider all possible conditions under which contracts of teachers or administrators may be terminated to determine which, if any, should be specified by law.

4. That the interim study committee investigate the legal ramifications and practical results of requiring just cause, extension of tenure, or creation of property rights so that a reasonable balance may be reached between the necessary rights of teachers and administrators and the discretionary powers indispensable to school board control over employment.

5. That the interim study committee report on the benefits and deficiencies of all present statutes pertaining to termination of teacher or administrator contracts.

6. That based on its studies, the interim study committee make recommendations proposing clearly defined objectives that will promote fairness and understanding in contract termination disputes and suggesting alternative proposals to meet these desired objectives.

Referred to the Executive Board.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 802A. By Keyes, 3rd District.

A BILL FOR AN ACT to appropriate ten thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Agriculture, Agency No. 18 for Program 027, Departmental Administration, to aid in carrying out the provisions of Legislative Bill 802, Eighty-third Legislature, Second Session, 1974.

LEGISLATIVE BILL 1035A. By Committee on Agriculture and Environment: Schmit, 23rd District, Chairman; Epke, 24th District; C. Carsten, 2nd District; Rasmussen, 41st District; Maresh, 32nd District; Dickinson, 31st District; Kime, 43rd District.

A BILL FOR AN ACT to appropriate nineteen thousand three hundred eighty-five dollars from the state General Fund and sixty-nine thousand six hundred dollars from the Pesticides Administrative Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Agriculture, Agency No. 18 for Program 333, Conservation Plant Industry, to aid in carrying out the provisions of Legislative Bill 1035, Eighty-third Legislature, Second Session, 1974.

MOTION—Reconsider Action on LB 855

Mr. Barnett moved to reconsider action on the overriding of the Governor's Veto on LB 855.

Motion pending. Laid over.

ANNOUNCEMENT

Mrs. Marsh announced the dedication of the Bust of William Jennings Bryan on March 19 at 1:30 p.m. in the Capitol Hall of Fame.

MOTION—Withdraw LB 880

Mr. Kelly moved to withdraw LB 880 from General File and replace LB 754 in that position.

Motion pending. Laid over.

RECESS

At 11:53 a.m., on a motion by Mr. Syas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Mr. Whitney presiding.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Kremer, Kennedy, R. Lewis and Warner who were excused until they arrive and Mr. F. Carstens who was excused.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: 354 and 755.

(Signed) John J. Cavanaugh, Chairman

MOTION—Return LB 1028 to Select File

Speaker Proud moved to return LB 1028 to Select File for the specific amendment found in the Journal on page 1115 for the Forty-fourth Day.

PRESIDENT MARSH PRESIDING

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 31:

Anderson	Barnett	Burbach	C. Carsten	Clark
Dickinson	Duis	Epke	Fellman	Goodrich
Hasebroock	Johnson	Kelly	Kime	F. Lewis
R. Lewis	Luedtke	Marsh	Moylan	Murphy

Proud	Rasmussen	Savage	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Whitney
Wiltse				

Voting in the negative, 14:

Carpenter	Chambers	Fowler	Keyes	Kremer
Mahoney	Maresh	Marvel	Nore	Richendifer
Schmit	Simpson	Waldron	Warner	

Not voting, 4:

F. Carstens	Cavanaugh	DeCamp	Kennedy
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The motion prevailed with 31 ayes, 14 nays and 4 not voting.

SELECT FILE

LEGISLATIVE BILL 1028. The Proud specific amendment found in the Journal on page 1115 for the Forty-fourth Day was renewed.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 29:

Anderson	Burbach	C. Carsten	Clark	Dickinson
Duis	Goodrich	Hasebroock	Johnson	Kelly
Kime	F. Lewis	R. Lewis	Luedtke	Marsh
Moylan	Murphy	Proud	Rasmussen	Savage
Schmit	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Whitney	Wiltse	

Voting in the negative, 11:

Carpenter	Chambers	Fowler	Mahoney	Maresh
Marvel	Nore	Richendifer	Simpson	Waldron
Warner				

Not voting, 9:

Barnett	F. Carstens	Cavanaugh	DeCamp	Epke
Fellman	Kennedy	Keyes	Kremer	

The Proud amendment was adopted with 29 ayes, 11 nays and 9 not voting.

Mr. Cavanaugh moved to bracket LB 1028.

Mr. Fellman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays and 17 not voting.

The Cavanaugh motion lost with 9 ayes, 36 ayes and 4 not voting.

Advanced to E & R for Engrossment with 32 ayes, 0 nays and 17 not voting.

MOTION—Return LB 1028 to Select File

Mr. Mahoney moved to return LB 1028 to Select File for the following specific amendment:

Anything to the contrary notwithstanding the labor of human being is not an article of commerce or commodity of business and the labor of a human being shall be exempt from this act.

The motion prevailed with 26 ayes, 7 nays and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 1028. The Mahoney specific amendment found in this day's Journal was adopted with 28 ayes, 9 nays and 12 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 983A to Select File

Mr. Carpenter moved to return LB 983A to Select File for the following specific amendment:

1. On page 2, line 4, and in the title, line 5, strike "554" and insert "544".

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 983A. The Carpenter specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 826A to Select File

Mr. Burbach moved to return LB 826A to Select File for the following specific amendment:

1) On page 2, line 1, strike "one" and insert "two"; on page 2, line 2, strike "fifty-seven" and insert "seven".

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 826A. The Burbach specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 877 to Select File

Mr. Warner moved to return LB 877 to Select File for the following specific amendment:

Page 5, Line 1. After word parties strike semicolon and insert new language as follows: or propositions or issues to be voted upon by the people;

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 877. The Warner specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays and 18 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 957 on Select File

Mr. Fellman asked unanimous consent to unbracket LB 957 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 957. Mr. Fellman moved to indefinitely postpone.

Mr. Fellman moved for a Call of the House. The motion prevailed with 25 ayes, 6 nays and 18 not voting.

The Call showed 43 members present.

Mr. DeCamp moved the Call be raised. The motion lost with 18 ayes, 21 nays and 10 not voting.

Mr. Fellman requested a roll call vote.

Voting in the affirmative, 26:

Anderson	Carpenter	Cavanaugh	Chambers	Clark
Dickinson	Fellman	Fowler	Goodrich	Kime
Kremer	Luedtke	Mahoney	Marsh	Moylan
Murphy	Rasmussen	Richendifer	Savage	Simpson
Snyder	Stahmer	Stromer	Syas	Whitney
Wiltse				

Voting in the negative, 21:

Barnett	Burbach	C. Carsten	DeCamp	Duis
Epke	Johnson	Kelly	Kennedy	Keyes
F. Lewis	R. Lewis	Maresh	Marvel	Nore
Proud	Schmit	Skarda	Stull	Waldron
Warner				

Not voting, 2:

F. Carstens Hasebroock

Mr. Richendifer moved the Call be raised. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

UNANIMOUS CONSENT—Expedite LB 877

Mr. Warner asked unanimous consent to expedite LB 877. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 127.

Introduced by Waldron, 42nd District.

WHEREAS, state offices in major cities in outstate Nebraska are located in numerous office buildings; and

WHEREAS, it is more convenient and will promote better service to the taxpayer if state offices were centrally located within a community; and

WHEREAS, in many communities, state offices can be centrally located with a savings to the taxpayer; and

WHEREAS, in the city of North Platte there is a building available to the state for central office purposes; and

WHEREAS, the building in North Platte can be purchased for such amount as two licensed appraisers shall determine the value of such building; and

WHEREAS, a savings will result from the purchase of this building and service to taxpayers will be improved by this Legislature; and

WHEREAS, the building in North Platte will be available on August 1, 1975.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature with the assistance of the Governor and his staff investigate the need for a building in North Platte for the purpose of centralizing state offices in that community and further investigate the possibility of doing such service in other locations.

Referred to the Executive Board.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 834A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate one million five hundred thousand dollars from the state General Fund and two million seventy thousand dollars from federal funds for the period of July 1, 1974 to June 30, 1975 to the Department of Public Welfare, Agency No. 26, for Program 341, Public Assistance, to aid in carrying out the provisions of Legislative Bill 834, Eighty-third Legislature, Second Session, 1974.

LEGISLATIVE BILL 977A. By Kennedy, 21st District, At the request of the Governor.

A BILL FOR AN ACT to appropriate one million five hundred thousand dollars from the state General Fund and two million seventy thousand dollars from federal funds for the period of July 1, 1974 to June 30, 1975 to the Department of Public Welfare, Agency No. 26 for Program 341, Public Assistance, to aid in carrying out the provisions of Legislative Bill 977, Eighty-third Legislature, Second Session, 1974.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 602. Replaced on Select File as amended.
E & R amendments to LB 602:

1. Strike E & R 2 adopted 3/7.
2. On page 3, line 1, insert "the owner or"
after "unless".

3. On page 6, line 6, strike "State Fire Marshal" and insert "capital facilities planning bureau".

4. In section 13, line 4, insert ", Inc" before the period.

5. In section 14, line 1, strike "and 15" and insert "to 15".

LEGISLATIVE BILL 710. Placed on Select File as amended.
E & R amendment to LB 710:

1. All amendatory material having been removed therefrom, strike original section 3.

2. For correlation purposes, on page 2, line 2, insert ", as amended by section 1, Legislative Bill 808, Eighty-third Legislature, Second Session, 1974" after "1973"; on page 5 after the period in line 5 insert:

"In any case in which there shall be a loss or loss of use of more than one member of parts of more than one member set forth in this subdivision, but not amounting to total and permanent disability, compensation benefits shall be paid for the loss or loss of use of each such member or part thereof, with the periods of benefits to run consecutively."; on page 5, line 5, insert "total" after "The"; on page 5, line 5, insert "or permanent total loss of use" after "loss"; on page 5, line 7, insert "in one accident," after the comma; on page 5, after the period in line 9, insert "In all other cases involving a loss or loss of use of both hands, both arms, both feet, both legs, both eyes, or of any two thereof, total and permanent disability shall be determined in accordance with the facts."; on page 6, strike the sentence beginning in line 20; and on page 6, line 26, insert "from his employer" after "compensation".

3. On page 12, strike lines 16 to 18 and insert:

"Sec. 3. That original section 48-122, Revised Statutes Supplement, 1973, and section 48-121, Revised Statutes Supplement, 1973, as amended by section 1, Legislative Bill 808, Eighty-third Legislature, Second Session, 1974, are repealed.".

4. In the title, strike lines 2 and 3 and insert:
"FOR AN ACT to amend section 48-122, Revised Statutes Supplement, 1973, and section 48-121, Revised Statutes Supplement, 1973, as amended by section 1, Legislative Bill 808, Eighty-third Legislature, Second Session, 1974,"; and strike beginning with "to" in line 5 through line 8 and insert "and to repeal the original sections.".

LEGISLATIVE BILL 1004. Placed on Select File as amended.

E & R amendment to LB 1004:

1. On page 3, line 3, insert an underscored semicolon after "remarries"; and in lines 3 and 4 strike ", whichever occurs first;" and show stricken.

2. In section 3, lines 16 and 17, strike "increasing by" and show stricken.

3. For correlation purposes, in section 3, line 1, insert ", as amended by section 6, Legislative Bill 905, Eighty-third Legislature, Second Session, 1974" after "1972"; and in line 8 after "60-461" insert "plus regular interest earned each fiscal year commencing July 1, 1974, as determined by the retirement board in conformity with actual and expected earnings on its investments".

4. On page 4, strike lines 11 and 12 and insert: "Sec. 4. That original sections 60-452.01 and 60-456, Revised Statutes Supplement, 1972, and section 60-458, Revised Statutes Supplement, 1972, as amended by section 6, Legislative Bill 905, Eighty-third Legislature, Second Session, 1974, are repealed."

5. In the title, strike lines 2 and 3 and insert: "FOR AN ACT to amend sections 60-452.01 and 60-456, Revised Statutes Supplement, 1972, and section 60-458, Revised Statutes Supplement, 1972, as amended by section 6, Legislative Bill 905, Eighty-third Legislature, Second Session, 1974, relating to the Nebraska"; in line 6 insert "to redefine disability; to accelerate eligibility for the deferred annuity;" after the semicolon; and in line 7 strike "section" and insert "sections".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Print Amendments to LB 861 in Journal

Mrs. Marsh asked unanimous consent to print the following amendments to LB 861 in the Journal. No objections. So ordered.

Amendments to LB 861

Page 6 lines 2 through 4 strike "The Secretary of State is hereby designated the Public Records Administrator, hereinafter called the administrator." and show as stricken.

Page 6 line 4 strike the last "administrator" and insert "board"

Page 6 line 5 after the first "and" insert "the administrator shall"

Page 7 line 25 strike all of line 25 and insert "perform"

Page 7 line 26 strike "him" and insert "it"

Page 8 line 2 strike "In addition to the administrator," and show as

stricken. In the same line strike "t" and insert "T" in the word "the"
 Page 8 line 3 after the first "of" insert "the Secretary of State"
 Page 8 line 8 strike "director" and insert "administrator"
 Page 8 line 12 strike "administrator" and insert "Secretary of State"
 Page line 12 strike "administrator" and insert "Secretary of State"
 Page 8 line 13 strike "director" and insert "administrator"
 Page 8 lines 15 and 17 strike "administrator" and insert "chairman"
 Page 13 line 1 strike "administrator" and insert "board"
 Page 13 line 2 strike "as approved by the board" and show as stricken.
 Page 13 lines 4 and 5 strike ", with the approval of the board," and show as stricken.
 Page 19 line 2 strike "director" and insert "chairman of the board"
 Page 21 line 8 strike "administrator" and insert "committee"
 Page 21 line 18 strike "The administrator with the approval of" and show as stricken.
 Page 21 line 19 strike "t" and insert "T" in the word "the"
 Page 22 line 17 strike "him" and insert "the board"
 Page 23 line 16 strike "director. The director" and insert "administrator who"
 Page 23 lines 17 and 18 strike E and R amendment "administrator" and insert original language "Public Records Board"

UNANIMOUS CONSENT—Print Amendments to LB 238

Mr. Carpenter asked unanimous consent to print amendments to LB 238 in the Journal. No objections. So ordered.
 (Amendments printed separate and on file in the Clerk's office.)

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 967. Placed on General File as amended.

Standing Committee amendments to LB 967:

1. On page 2, line 21 strike the period and "Every" and insert "and every".
2. On page 2, line 23, strike the period and insert "if such person remains incarcerated for such period. Every person who does not remain so incarcerated shall be brought to trial within six months after arrest.".

(Signed) Roland A. Luedtke, Chairman

Government, Military and Veterans Affairs

(Corrected Standing Committee Report)

LEGISLATIVE BILL 705. Placed on General File as amended.

Standing Committee amendment to LB 705:

1. Strike the original sections 1 and 2 and insert the following:

“Section 1. That section 7-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

7-102. (1) The Supreme Court shall fix times when examination shall take place, which may be either in term or vacation, and shall prescribe and publish rules to govern such examinations, including a procedure allowing any applicant who has been denied admission to the bar to appeal such decision, and may appoint a commission composed of not less than three persons learned in the law to assist in or conduct any such examination or examinations. Within ten days following the examination, the commission shall file a copy of the examination with the Clerk of the Supreme Court, which copy shall be a public record. The Clerk of the Supreme Court shall furnish a copy of any such examination to any person for a fee of ten cents per page where the size of the page does not exceed 8 1/2 x 14 inches and fifteen cents per page where the size of the page is in excess thereof. Within ten days following the examination, the commission shall file the examination papers of all applicants with the Clerk of the Supreme Court, which examination papers shall not become a public record and shall be retained by the Clerk of the Supreme Court for a period of six months. The examination papers of any applicant may be inspected by only that applicant personally and not by any other person, and the Clerk of the Supreme Court shall furnish a copy of such examination papers to that applicant, but no other person, for a fee of ten cents per page where the size of the page does not exceed 8 1/2 x 14 inches and fifteen cents per page where the size of the page is in excess thereof.

(2) But No person shall be admitted to the bar unless such person is at least twenty-one years of age, and of good moral character, and unless such person either has had a preliminary education other than legal, equivalent to that involved in the completion of the first three years of a high school course accredited by the state department of public instruction and has regularly and attentively studied law in a reputable law school or in the office of a practicing attorney, or partly in such school and partly in such office, for a period of at least three years, at least one year of which office study shall have been passed in a law office in this state, or shall have been the regular, qualified and acting clerk of the Supreme Court of any district court of this state for at least eight years, and shall pass a satisfactory examination upon the principles of the common law, equity, criminal law, statutes and practice of this state; or is a regular graduate of the College of Law of the University of Nebraska or of such other college of law of this state having entrance requirements and a course of study equal to and equivalent to those of the law

school of the University of Nebraska, as the Supreme Court shall, upon application and showing, designate as a college of law whose graduates shall be entitled to admission without examination; Provided, such other college of law shall be a member of the Association of American Law Schools. Provision shall be made, by rule of court, for the registration of students in law offices in this state, at the beginning of their respective terms of study in the office of the Clerk of the Supreme Court or the office of the clerk of the district court of the county in which any such law office is located.

Sec. 2. That original section 7-102, Reissue Revised Statutes of Nebraska, 1943, are repealed.”.

(Signed) Ernest Chambers, Chairman

MOTION—Adjournment

Mr. Syas moved to adjourn until 9:00 a.m., Tuesday, March 19, 1974. The motion lost with 17 ayes, 17 nays and 15 not voting.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules for the introduction of four new bills by the Appropriations Committee. (Request No. 1640, 1645, 1646, 1644) The motion prevailed with 34 ayes, 0 nays and 15 not voting.

The four new bills were introduced with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1055. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Savage, 10th District; Stahmer, 8th District; Marsh, 29th District; Nore, 22nd District; Whitney, 44th District; Simpson, 46th District; Johnson, 15th District.

A BILL FOR AN ACT making appropriations and reappropriations for capital construction and improvements and land acquisition; to provide conditions; to provide for lapsing; to amend section 29, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, with project cost and items of appropriation reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska; to repeal the original section, and also sections 32, 33, and 70, Legislative Bill 256, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

LEGISLATIVE BILL 1056. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Savage, 10th District; Marsh, 29th District; Nore, 22nd District; Stahmer, 8th District; Whitney, 44th District; Simpson, 46th District; Johnson, 15th District.

A BILL FOR AN ACT to make reappropriations for the period July 1, 1974 to June 30, 1975, for capital construction, improvements, and repair of state buildings and for land acquisition as prescribed; to cite limits and conditions on the expenditure of funds; to provide for lapsing; and to declare an emergency.

LEGISLATIVE BILL 1057. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Stahmer, 8th District; Simpson, 46th District; Nore, 22nd District; Johnson, 15th District; Savage, 10th District; Marsh, 29th District; Whitney, 44th District.

A BILL FOR AN ACT making appropriations for Agency No. 84 - - State Board of Technical Community Colleges for the period of July 1, 1974 to June 30, 1975; to recite limits and conditions on the expenditures of funds from the appropriations so made; and to declare an emergency.

LEGISLATIVE BILL 1058. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Stahmer, 8th District; Savage, 10th District; Marsh, 29th District; Johnson, 15th District; Whitney, 44th District; Simpson, 46th District; Nore, 22nd District.

A BILL FOR AN ACT relating to capital construction; to make appropriations and reappropriations; to amend sections 35, 71, 72, 74, 75, 76, and 77, Legislative Bill 256, Eighty-third Legislature, First Session, 1973; to redesignate the University of Nebraska Scottsbluff Experimental Station as the Panhandle Station; to provide for lapsing; to repeal the original sections, and also section 7, Legislative Bill 579, Eighty-third Legislature, First Session, 1973, and section 27, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, as amended by section 1, Legislative Bill 676, Eighty-third Legislature, Second Session, 1974; and to declare an emergency.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules and place LB 1055, LB 1056, LB 1057 and LB 1058 directly on General File. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

MOTION—Adjournment

Mr. Syas moved to adjourn until 9:00 a.m., Tuesday, March 19, 1974. The motion lost with 13 ayes, 17 nays and 19 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Barnett asked unanimous consent to consider LB 995 on Select File at this time.

Speaker Proud objected.

Mr. Barnett moved to consider LB 995 on Select File at this time. The motion lost with 18 ayes, 14 nays and 17 not voting.

VISITORS

The President introduced 40 Senior students and teacher from Gibbon High School, Gibbon, Nebraska; 80 Seniors and teachers from Creighton High School, Creighton, Nebraska.

ADJOURNMENT

At 4:21 p.m., on a motion by Mr. Syas, the Legislature adjourned until 9:00 a.m., Tuesday, March 19, 1974.

Vincent D. Brown
Clerk of the Legislature

FORTY-SIXTH DAY—MARCH 19, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 19, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett Hezmall, Associate Pastor of the Westminster Presbyterian Church.

We Thank You, O God, for the rich heritage of this great and good land; for the evidences of Your favor in the past and the direction of your providence which has made and preserved our State and our Nation.

We thank You for men and women who by toil, tears and sacrifice have forged into being all we hold dear now. Help us to see ourselves as continuing in that never ending purpose.

Show us what to do and how to do it to make Nebraska a better and fairer state for our children to live in. May the urgency of the worlds need for food, which impinges upon the farms of our state, become a symbol that no state lives unto itself.

Open our eyes that we may observe Your doings among us O God, and so finding your way into the future. May we lead in the Legislature, so as to advance steadfastly in the face of unending change. We ask this in the Spirit of Christ. Amen.

ROLL CALL

The roll was called and all members were present except Mr. F. Carstens who was excused and Mr. Fellman who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1154, line 19, insert "A" after "983".

Page 1160, delete line 6.

The Journal for the Forty-fifth Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

March 19, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

Once again I find it necessary to object to your appropriation techniques. Herewith I am attempting to "send you a message" by calling your attention and objecting to what amounts to an increase of more than 400% in my recommendations for emergency funds. This is another plea by the Governor for better planning and stability by the Legislature regarding appropriations.

LB 924 is returned herewith without my signature and with my objections.

I am vetoing here again because the majority of the Legislature seems to be playing blind man's bluff with appropriations while failing to come to grips with the key question of what will be available in tax money to fund such proposals.

We currently have \$460,000 remaining in the emergency fund for fiscal 1973-74. I have recommended \$150,000 of that total be reappropriated along with \$350,000 new money for fiscal 1974-75. You have already increased those recommendations in LB 997 to provide a complete reappropriation of the remaining balance, plus a new money appropriation of \$1,850,000. This means that your pending appropriation bill, LB 997, has already ballooned my recommendation far in excess of \$2 million. If LB 924 is allowed to become law, another \$500,000 will be added to that staggering total. Combined, these appropriations represent an increase of more than 400% to my original recommendation.

This is all very confusing to one who is wrestling with attempting to make ends meet in state government.

Sincerely,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Final Reading

Mr. Richendifer asked unanimous consent to allow the members to be out of their seats during Final Reading.

Mr. Carpenter objected.

Mr. Richendifer moved to suspend the rules to allow the members to be out of their seats during Final Reading.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 27:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Epke
Fowler	Goodrich	Hasebroock	Johnson	Kennedy
Keyes	Kime	Kremer	F. Lewis	Luedtke
Moylan	Rasmussen	Richendifer	Savage	Skarda
Syas	Waldron			

Voting in the negative, 15:

Carpenter	Kelly	Mahoney	Maresh	Marsh
Murphy	Nore	Proud	Schmit	Snyder
Stromer	Stull	Warner	Whitney	Wiltse

Not voting, 7:

F. Carstens	Duis	Fellman	R. Lewis	Marvel
Simpson	Stahmer			

The motion lost with 27 ayes, 15 nays and 7 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 984. With Emergency.

A BILL FOR AN ACT to amend sections 79-4,160, 79-4,161, 79-4,162, 79-4,164, 79-4,165, 79-4,166, 79-4,167, and 79-4,168, Revised Statutes Supplement, 1973, relating to school expenditures; to change restrictions on public school expenditures; to provide procedures; to provide for rules and regulations; to provide an operative date; to repeal the original sections, and also section 79-4,159, Revised Statutes Supplement, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 27:

Burbach	Carpenter	C. Carsten	Cavanaugh	Clark
DeCamp	Dickinson	Duis	Epke	Hasebroock
Johnson	Kelly	Kennedy	Kime	R. Lewis
Marvel	Murphy	Nore	Rasmussen	Richendifer
Schmit	Skarda	Stahmer	Stromer	Stull
Warner	Wiltse			

Voting in the negative, 20:

Anderson	Barnett	Chambers	Fowler	Goodrich
Keyes	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Proud	Savage
Simpson	Snyder	Syas	Waldron	Whitney

Not voting, 2:

F. Carstens Fellman

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 27:

Burbach	Carpenter	C. Carsten	Cavanaugh	Clark
DeCamp	Dickinson	Duis	Epke	Hasebroock
Johnson	Kelly	Kennedy	Kime	R. Lewis
Marvel	Murphy	Nore	Rasmussen	Richendifer
Schmit	Skarda	Stahmer	Stromer	Stull
Warner	Wiltse			

Voting in the negative, 20:

Anderson	Barnett	Chambers	Fowler	Goodrich
Keyes	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Proud	Savage
Simpson	Snyder	Syas	Waldron	Whitney

Not voting, 2:

F. Carstens Fellman

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 772.

A BILL FOR AN ACT to adopt the Public School Support Act of 1974; to amend section 79-4,102, Reissue Revised Statutes of Nebraska, 1943; to change the basis for determining the nonresident high school tuition rate; to provide severability; to repeal sections 79-1330 to 79-1340 and 79-1342 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1972; to provide when such repeal shall become operative; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Barnett	Burbach	Carpenter	C. Carsten	Clark
DeCamp	Dickinson	Duis	Epke	Fellman
Fowler	Hasebrook	Johnson	Kelly	Keyes
Kime	F. Lewis	R. Lewis	Luedtke	Marsh
Marvel	Murphy	Nore	Proud	Rasmussen
Richendifer	Schmit	Simpson	Stahmer	Stromer
Stull	Waldron	Warner		

Voting in the negative, 15:

Anderson	Cavanaugh	Chambers	Goodrich	Kennedy
Kremer	Mahoney	Maresh	Moylan	Savage
Skarda	Snyder	Syas	Whitney	Wiltse

Not voting, 1:

F. Carstens

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 679.

A BILL FOR AN ACT to amend sections 39-727.07, 39-727.15, and 39-727.17, Revised Statutes Supplement, 1972, relating to the implied consent law; to provide for tests by qualified technicians; to reduce the period of revocation for refusing to submit to the test; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Clark	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Nore	Proud	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 1:

Cavanaugh

Not voting, 6:

F. Carstens	Chambers	Kime	R. Lewis	Murphy
Rasmussen				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 824. With Emergency.

A BILL FOR AN ACT relating to local government; to authorize any unit of local government to receive and use revenue-sharing and other funds as prescribed; to provide for interpretation; to provide powers; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

F. Carstens Chambers Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 832.

A BILL FOR AN ACT relating to the courts; to provide for assignment of retired judges to the courts of the state when needed; and to provide for payment of salaries and expenses.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

F. Carstens DeCamp F. Lewis Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 882.

A BILL FOR AN ACT to amend section 48-122.03, Revised Statutes Supplement, 1973, relating to workmen's compensation; to provide for apportionment of compensation as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

F. Carstens Clark DeCamp F. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 886.

A BILL FOR AN ACT to amend section 60-2301, Revised Statutes Supplement, 1972, relating to odometers; to exempt gross rated motor vehicles exceeding sixteen thousand pounds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Burbach	Carpenter	C. Carsten	Cavanaugh
Chambers	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Barnett F. Carstens Clark R. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 909.

A BILL FOR AN ACT to enact the Interstate Compact on the Placement of Children.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 2:

F. Carstens R. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 911. With Emergency.

A BILL FOR AN ACT relating to education; to establish an education assistance program for Nebraska citizens attending optometry schools outside the State of Nebraska; to establish procedures; to make an appropriation; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

F. Carstens	Cavanaugh	Proud	Simpson
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 960. Mr. Fowler moved to return LB 960 to Select File for the following specific amendment:

1. On page 2 after line 12 insert two new sections to read as follows:

"Sec. 2. That section 52-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

52-603. In accordance with the terms of the notice given as provided by section 52-602, a sale of the goods ~~by auction for reasonable value~~ may be had to satisfy any valid claim of the claimant for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, the nearest suitable place, after the time for the payment of the claim specified in the notice to the debtor has lapsed and an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication.

~~If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.~~

Sec. 3. That section 52-604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

52-604. From the proceeds of such sale the claimant shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be ~~held by the claimant and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods; Provided, however, in the event such balance remains unclaimed in the hands of such claimant for a period of six months after the sale as herein provided, then the claimant shall, immediately upon the expiration of such period of six months, deliver such balance in money as shall be in his hands as a result of the sale, to the~~ delivered to the county treasurer of the county in which the sale was made. The treasurer of the county in which the property was sold, ~~who~~ shall issue his receipt therefor. The county treasurer shall make proper entry in the books of his office of all money so paid over to him, and shall hold the money for a period of five year, and immediately thereafter shall pay the same into the school fund of the proper county, to be appropriated for the support of the schools, unless the owner of the property sold, or his legal representatives, shall within such period of five years after such money shall have been deposited with the treasurer, furnish satisfactory evidence of the ownership of such property, in which event he or they shall be entitled to receive from such treasurer the amount so deposited with him.”; strike lines 13 to 16 and insert:

“Sec. 4. That original sections 52-603 and 52-604, Reissue Revised Statutes of Nebraska, 1943, and also section 52-602, Reissue Revised Statutes of Nebraska, 1943, and section 52-601, Revised Statutes Supplement, 1972, are repealed.”.

The motion prevailed with 36 ayes, 0 nays and 13 not voting.

MOTION—Reconsider Action on LB 972

Mr. DeCamp moved to reconsider action on the passage of LB 972. Motion pending. Laid over.

UNANIMOUS CONSENT—Hold LB 972

Mr. DeCamp asked unanimous consent to delay delivery of LB 972 to the Governor.

Mrs. Marsh objected.

Mr. DeCamp moved to delay delivery of LB 972 to the Governor.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays and 22 not voting.

The DeCamp motion lost with 18 ayes, 21 nays and 10 not voting.

UNANIMOUS CONSENT—Expedite Bills

Mr. Carpenter asked unanimous consent to expedite LB 984 and LB 772 to the Governor's office. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 995. E & R amendments found in the Journal on page 1138 for the Forty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 721. E & R amendment found in the Journal on page 1139 for the Forty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 921. E & R amendments found in the Journal on page 1139 for the Forty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 499. E & R amendments found in the Journal on page 1139 for the Forty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 782. E & R amendment found in the Journal on page 1139 for the Forty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 861. E & R amendments found in the Journal on page 1139 for the Forty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 789. E & R amendments found in the Journal on page 1140 for the Forty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1003. E & R amendments found in the Journal on page 1140 for the Forty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 602. E & R amendments found in the Journal on page 1157 for the Forty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 710. E & R amendments found in the Journal on page 1158 for the Forty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1004. E & R amendments found in the Journal on page 1159 for the Forty-fifth Day were adopted.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 19, 1974, at 9:15 a.m., were the following: LB 647, LB 654, LB 676, LB 689, LB 723, LB 768, LB 807, LB 864, LB 881, LB 965, LB 966, LB 974, LB 976, LB 991, LB 992, LB 993, LB 994, LB 1013, LB 1014 and LB 1025.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS **Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: 616, 622, 644, 763, 775, 876, 890, 919, 926 and 1001.

Correctly Enrolled

The following bill was correctly enrolled: 972.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 972.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 1019. Placed on General File as amended.
Standing Committee amendments to LB 1019:

1. Strike original section 1 and insert the following:

"Section 1. That section 68-127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-127. The director of Public Welfare shall periodically determine the actual per diem operating cost for each hospital and the reasonable cost related to each nursing home in this state claiming compensation on account of care provided for recipients of public assistance. Such determination shall be based on audits of hospital and nursing home records. ~~The per diem operating~~ Such cost shall be the basis for the payment of care to or on behalf of recipients of public assistance. When an audit discloses that payments for a prior period have varied from the actual per diem operating cost for a hospital or the reasonable cost related to a nursing home, the proper adjustment shall be made between the Department of Public Welfare and the hospital or nursing home so as to realistically compensate the hospital or nursing home ~~for its actual per diem operating~~ such cost during such prior period.

Sec. 2. The Director of Public Welfare shall by rule and regulation establish a uniform system of audit reporting applicable to all nursing homes in this state claiming compensation on account of care provided for recipients of public assistance.

Sec. 3. That original section 68-127, Reissue Revised Statutes of Nebraska, 1943, is repealed."

(Signed) Thomas C. Kennedy, Chairman

SELECT FILE

LEGISLATIVE BILL 960. The Fowler specific amendments found in this day's Journal were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 995 to Select File

Mr. R. Lewis moved to return LB 995 to Select File for the specific amendment found in the Journal on page 1013 for the Forty-first Day (Referred to as Mr. Simpson's amendments). The motion lost with 14 ayes, 10 nays and 25 not voting.

MOTION—Return LB 861 to Select File

Mrs. Marsh moved to return LB 861 to Select File for the specific amendments found in the Journal on page 1159 for the Forty-fifth Day. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 861. The Marsh specific amendments found in the Journal on page 1159 for the Forty-fifth Day were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 692 to Select File

Mr. Murphy moved to return LB 692 to Select File for the following specific amendment:

Restore the stricken matter in Lines 3 and 4 of Page 2.

Insert on Line 4, after the word Sunday— "except in counties having a population less than 20,000 inhabitants."

MR. WHITNEY PRESIDING

Mr. Nore requested a record vote.

Voting in the affirmative, 25:

Anderson	Burbach	C. Carsten	Cavanaugh	Dickinson
Epke	Fowler	Goodrich	Kelly	Keyes
Kime	Mahoney	Marsh	Marvel	Moylan
Murphy	Proud	Rasmussen	Richendifer	Schmit
Skarda	Snyder	Stahmer	Stull	Warner

Voting in the negative, 4:

Hasebroock	Kremer	Nore	Syas
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Not voting, 20:

Barnett	Carpenter	F. Carstens	Chambers	Clark
DeCamp	Duis	Fellman	Johnson	Kennedy
F. Lewis	R. Lewis	Luedtke	Maresh	Savage
Simpson	Stromer	Waldron	Whitney	Wiltse

SELECT FILE

LEGISLATIVE BILL 692. The Murphy specific amendment found in this day's Journal was renewed.

PRESIDENT MARSH PRESIDING

Mr. Murphy moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays and 25 not voting.

The Call showed 42 members present.

Mr. Murphy moved the Call be raised. The motion prevailed with 27 ayes, 1 nay and 21 not voting.

Mr. Nore requested a record vote.

Voting in the affirmative, 25:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
DeCamp	Dickinson	Fowler	Goodrich	Kelly
Keyes	Kime	F. Lewis	Marsh	Marvel
Moylan	Murphy	Proud	Rasmussen	Richendifer
Schmit	Skarda	Snyder	Stahmer	Warner

Voting in the negative, 2:

Nore	Syas
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Not voting, 22:

Carpenter	F. Carstens	Chambers	Clark	Duis
Epke	Fellman	Hasebroock	Johnson	Kennedy
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Savage	Simpson	Stromer	Stull	Waldron
Whitney	Wiltse			

The Murphy amendment was adopted with 25 ayes, 2 nays and 22 not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 984 and 772.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 984 and 772.

MOTION—Adopt Rule Changes

Mr. Duis moved the adoption of the Rule changes found in the Journal on page 876 for the Thirty-sixth Day.

Mr. Stahmer asked unanimous consent to correct the Johnson Rule change to “which appropriates” instead of “while appropriate”. No objections. So ordered.

The Johnson Rule change to Rule 6, Sec. 2(g) was considered. Rule change pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 19, 1974 at 11:45 a.m., were the following: LB 984 and LB 772.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Member Excused

Mr. Luedtke asked unanimous consent to be excused this afternoon until he returns. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendments to LB 963 in the Journal. No objections. So ordered.

1. On page 3, line 11, strike “or she” and show as stricken.

2. On page 4, line 15, insert “within the framework of the physician’s plan of care” after “regimens”;

in line 25, strike "are within the framework of", and insert "require judgment, knowledge, and skill in".

3. On page 5, line 1, insert "within the educational framework of the registered nurse" after "personnel"; and strike lines 11 to 18.

4. On page 6, line 21, strike "or her" and show as stricken; in line 25, strike "or herself" and show as stricken.

5. On page 7, strike beginning with "that" in line 11 through "is" in line 12 and show as stricken, and insert "those terms are"; in line 12, strike "sections 71-1,132.04 to 71-1,132.36" and show as stricken, and insert "section 71-1,132.05"; in line 17, insert "or practical" after "professional"; and in line 20, strike "or her" and show as stricken.

6. On page 8, line 6, strike "six" and insert "seven"; in line 7, insert "and" after the comma; in line 8, strike "and one consumer,"; in line 12, strike "Each" and insert "Five"; in line 16, strike beginning with "staff" through "(f)" in line 17, and insert "and" after the second semicolon in line 16; in line 17, insert "Two of the registered nurses shall be staff nurses." after the period; and in line 26, strike the first "two" and insert "three".

7. On page 9, line 2, insert "and" after the semicolon; strike beginning with the semicolon in line 3 through the period in line 4, and insert an underscored period after "years" in line 3; in line 4, insert "of the terms" after "expiration"; and in line 20, insert "consecutive" after "two".

8. On page 11, strike lines 26 and 27.

9. On page 12, strike lines 1 and 2.

10. Insert a new section 6 to read:

"Sec. 6. That section 71-1,132.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.10. The board shall select an administrative officer who has occupied his position for at least four years in a Nebraska hospital, which hospital has operated a school of nursing for at least ten years, to act as an advisor to the board. The advisor to the board will be appointed or reappointed annually from a list of three candidates submitted by the Nebraska Hospital Association. The board shall provide the advisor with at least ten days' notice of every board meeting."

11. On page 14, strike beginning with "Such" in line 13 through "and" in line 14 and insert "Such rules and regulations shall not require of the employer more than eighty hours of orientation and supervised practice. If the duties of the nurse are to include the administration of drugs or medicine, such orientation shall include training in the drugs and medicines being administered; and".

12. On page 16, line 11, strike "and"; in line 12, strike the underscored period, and reinstate the stricken matter; and in line 13, reinstate "fee" and after the reinstated "fee" insert "as set by the board.".

13. On page 17, line 7, insert "or as a licensed practical" after "registered"; and in line 12, insert "or licensed practical" after "registered".

14. On page 18, line 3, insert "and graduated from a state approved school" after "state"; in line 5, strike "upon" and insert "pending"; and insert the following after the period: "Such temporary permit shall be valid for sixty days and may be extended once for the same period at the discretion of the board."; and strike lines 6 through 12.

15. On page 21, line 7, insert the following after "disability": "to the extent that such affliction interferes with the individual's performance of nursing functions".

16. On page 22, line 12, strike "sections 71-1,132.04 to 71-1,132.36", and show as stricken, and insert "section 71-1,132.05"; in line 16, insert "or practical" after "professional"; in line 17, strike "sections 71-1,132.04 to 71-1,132.36" and show as stricken, and insert "section 71-1,132.05"; in line 22, insert "or a licensed practical nurse" after "nurse"; and in line 24, insert "or practical" after "professional".

17. On page 23, line 1, insert "or practical" after "professional"; strike section 19; and insert a new section 20 to read:

"Sec. 20. There is hereby created a fund to be known as the Nurses' Licensing Cash Fund, and from which shall be appropriated such amounts as are available therefrom and as shall be considered incident to the administration of the Board of Nursing. The fund shall contain all fees and money collected by the board under the provisions of this act, which shall be paid into the state treasury and the State Treasurer shall credit the money to the Nurses' Licensing Cash Fund.".

18. On page 24, line 4, insert ", pay the fee as set by the board," after "license".

19. Insert a new section 21 to read:

"Sec. 21. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.".

20. On page 25, line 2, strike "71-1,132.11" and insert "71-1,132.10"; and in line 4, strike "to".

21. Renumber original sections 4 to 6 as sections 3 to 5; renumber original sections 20 and 21 as sections 19 and 22 respectively.

ANNOUNCEMENT

Mr. Maresh announced an executive session of the Labor Committee on Friday, March 22, 1974 in Room 1009 at 12:30 p.m.

RESOLUTIONS

LEGISLATIVE RESOLUTION 128.

Introduced by Mahoney, 5th District; Skarda, 7th District; Syas, 13th District.

A Resolution to propose an amendment to Article III, sections 6 and 10 of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

That at the general election in November, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendments to Article III, by amending sections 6 and 10, of the Constitution of Nebraska, which are hereby proposed by the Legislature:

"Sec. 6. The Legislature shall consist of not more than fifty members and not less than thirty members. The sessions of the Legislature shall be ~~annual~~ biennial except as otherwise provided by this constitution or as may be otherwise provided by law.

Sec. 10. Beginning with the year ~~1971~~ 1975, regular sessions of the Legislature shall be held ~~annually~~ biennially, commencing at ~~12:00 o'clock (noon)~~ 10 a.m. on the first ~~Tuesday~~ Wednesday after the first Monday in January ~~of each year~~. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or

contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, Section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form.

"Constitutional Amendment to provide for biennial sessions of the Legislature:

For

Against"

The proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 129.

Introduced by Stull, 49th District.

WHEREAS, the local administration of justice is vital to the welfare of the citizens of this state; and

WHEREAS, the State of Nebraska has an interest in the jail conditions of local and regional political subdivisions; and

WHEREAS, the Legislature of Nebraska is often asked to consider proposals pertaining to various aspects of the county sheriffs' office and the administration of the local criminal justice system; and

WHEREAS, the recent enactment of court reform legislation makes it desirable to study the current administrative procedure in local detention and correctional institutions in this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That an interim study be undertaken of the administrative procedures in county jails and other detention or correctional institutions.

2. That the study include a consideration of the procedure of feeding prisoners in these institutions and of the efficacy of contracting for food preparation and service.

3. That actual visitations be made of those jails being used and the utilization patterns of these existing facilities.

4. That this interim study be conducted by the Government, Military and Veterans Affairs Committee and that it report to the Legislature its findings and recommendations upon its completion.

Referred to Executive Board.

ANNOUNCEMENT

Mr. Maresh announced that the documentary film "Nebraska for the People" will be shown on E.T.V. tomorrow evening, March 20, at 7:30 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 826A. Replaced on Select File as amended.
E & R amendment to LB 826A:

1. In the title, line 2, strike "one hundred fifty-seven" and insert "two hundred seven".

LEGISLATIVE BILL 1028. Replaced on Select File as amended.
E & R amendments to LB 1028:

1. In new section 1, line 5, insert an underscored comma after "59-828".

2. In new section 2, line 8, strike the comma and show the same as stricken; and in line 11 insert "and" after the semicolon and strike the first comma and show the same as stricken.

3. Renumber sections 6 to 8 added by the Carpenter amendments adopted 3/11, as sections 3 to 5; original section 1 as section 6; sections 2 and 3, added by the Carpenter amendments adopted 3/6 as sections 7 and 8; section 4, added by the Carpenter amendments adopted 3/11 as section 9; original section 2 as section 10; and section 10 added by the Carpenter amendments adopted 3/11 as section 11.

4. In renumbered section 3, strike the semicolon and insert "of this section; or" in line 12; in line 22, strike the last comma; in line 24 strike "thereof" and insert "therefor"; in line 27 insert "any" after the first "or"; and in line 28 strike "where" and insert "when".

5. In renumbered section 4, line 1, strike "6" and insert "3".

6. In renumbered section 5, line 2, insert "as" after "same"; and in line 3 insert "or any provision of Chapter 59" after "act".

7. In the new matter of the Carpenter amendment to renumbered section 6, line 1, strike "30th" and insert "30".

8. In the title, strike lines 2 to 8 and all amendments thereto and insert:

"FOR AN ACT relating to monopolies and unlawful combinations; to provide for the institution of actions and the recovery of damages; to make certain acts unlawful; to provide penalties; to provide for construction; to provide for an antitrust division in the Department of Justice; to amend sections 59-821, 59-828, and 84-211, Reissue Revised Statutes of Nebraska, 1943; to provide severability; to repeal the original sections; and to declare an emergency."

9. In line 3 of E & R 1, insert "the second" after "after".

10. In renumbered section 3, line 12, strike "(a) of subsection (1)" and insert "(1)(a)".

11. In section 2, line 8, strike "an" and insert "~~an~~ on".

12. In lieu of the Mahoney amendment, insert a new section to read:

"Sec. 9. Anything in this act to the contrary notwithstanding the labor of human beings shall not be construed to be an article of commerce or commodity of business and shall be exempt from the provisions of this act."

13. Renumber present sections 9 to 11 as sections 10 to 12.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS Judiciary

LEGISLATIVE BILL 8. Placed on General File as amended.

(Standing Committee amendments printed and on file in the Clerk's office)

(Signed) Roland Luedtke, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 861A. By Marsh, 29th District.

A BILL FOR AN ACT to make an appropriation to aid in carrying out the provisions of Legislative Bill 861, Eighty-third Legislature, Second Session, 1974; to amend section 7, Legislative Bill 997, Eighty-third Legislature,

Second Session, 1974; to provide for the drawing and issuance of warrants; to repeal the original section; and to declare an emergency.

RECESS

At 11:59 a.m., on a motion by Mrs. Marsh, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:03 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Mr. F. Carstens who was excused, Mr. Luedtke who was excused until he arrives, Mr. Waldron who was absent until 2:30 p.m., and Mr. Anderson who was absent until 3:00 p.m.

MOTION—Rule Changes

Mr. Duis renewed his pending motion to adopt the Rule changes found in the Journal on page 876 for the Thirty-sixth Day submitted by Messrs. Duis and Johnson.

Mr. Stahmer offered the following amendment to the Johnson Rule change Strike "which appropriates funds of any nature"

Mr. Stahmer moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays and 28 not voting.

The Call showed 45 members present.

The Stahmer amendment to the Johnson Rule change was adopted with 28 ayes, 10 nays and 11 not voting.

Mr. Chambers moved to indefinitely postpone the Johnson Rule change.

Mr. Stull moved the Call be raised. The motion prevailed with 33 ayes, 2 nays and 14 not voting.

The Chambers motion to indefinitely postpone the Johnson Rule change lost with 14 ayes, 29 nays and 6 not voting.

Mr. Keyes offered the following amendment to the Johnson Rule change: Amend Rule 6 Sec. 2(g) after period add Except that no amendment may be offered on any bill unless there are 40 members on the floor.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays and 20 not voting.

Mr. Keyes asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Duis moved for a Call of the House. The motion prevailed with 26 ayes, 8 nays and 15 not voting.

The Call showed 45 members present.

Mr. Stahmer moved the Call be raised. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

The Johnson Rule change, as amended, was adopted with 32 ayes, 14 nays and 3 not voting.

The Duis Rule change found in the Journal on page 876 for the Thirty-sixth Day was renewed.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays and 19 not voting.

The Duis Rule change lost with 14 ayes, 22 nays and 13 not voting.

MOTION—Return LB 790 to Select File

Mr. C. Carsten moved to return LB 790 to Select File for the following specific amendment:

Amend Sub-Section 2 of Section 1 Page 2 of LB 790
by striking the last two words of line 19, all of
lines 20 and 21 and inserting a semi-colon after
the word "association" in line 19.

Motion pending. Laid over.

MOTION—Reconsider Action on LB 972

Mr. DeCamp renewed his pending motion found in this day's Journal to reconsider action on passage of LB 972.

Mr. Cavanaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay and 22 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 15:

DeCamp	Dickinson	Epke	Kennedy	Kremer
R. Lewis	Maresh	Murphy	Nore	Proud
Rasmussen	Stull	Syas	Whitney	Wiltse

Voting in the negative, 30:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	Duis	Fellman
Fowler	Goodrich	Johnson	Kelly	Keyes
F. Lewis	Luedtke	Mahoney	Marsh	Marvel
Moylan	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Waldron	Warner

Not voting, 4:

F. Carstens	Hasebroock	Kime	Stromer
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The DeCamp motion lost with 15 ayes, 30 nays and 4 not voting.

STANDING COMMITTEE REPORTS Committee on Committees

March 19, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Edward M. Rowley - Board of Parole

No one appeared in support of Mr. Rowley's appointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Luedtke, Snyder, Stull, Whitney and Wiltse. Against: None. Present and not voting: (1) Senator Stahmer. Absent and not voting: (4) Senators Chambers, Epke, Nore and Stromer.

Timothy E. Blankenship - Board of Parole

No one appeared in support of Mr. Blankenship's appointment and no one appeared in opposition. Letters of support were received from James Walkenhorst, District Parole Supervisor; Donald E. Brown, Senior Vice

President, Kirkpatrick, Pettis, Smith, Polian, Inc.; Arthur W. Pohlen, Deputy Parole Administrator, Parole Administration, State of Nebraska. The Committee also received a summary rating from Mr. Blankenship's administrator when he was working as a parole officer.

Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Luedtke, Nore, Stromer, Stull and Whitney. Against: (3) Senators Chambers, Snyder and Wiltse. Absent and not voting: (1) Senator Stahmer.

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
COMMITTEE ON COMMITTEES

March 19, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

John B. Greenholtz - Board of Parole

No one appeared either in favor or opposition to Mr. Greenholtz at the hearing. A letter in support of Mr. Greenholtz was received by the Committee from W. C. Ollenburg, Chaplain, Nebraska Penal and Correctional Complex.

Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Luedtke, Snyder, Stull, Whitney and Wiltse. Against: None. Present and not voting: (1) Senator Stahmer. Absent and not voting: (4) Senators Chambers, Epke, Nore and Stromer.

Marshall M. Tate - Board of Parole

No one appeared either in favor or opposition to Mr. Tate.

Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Luedtke, Snyder, Stull, Whitney and Wiltse. Against: None. Present and not voting: (1) Senator Stahmer. Absent and not voting: (4) Senators Chambers, Epke, Nore and Stromer.

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
COMMITTEE ON COMMITTEES

March 19, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Marvin E. Jewell - Public Employees Retirement Board

Senator Roland Luedtke, Senator Herb Nore and Senator Ramey C. Whitney appeared in support of Mr. Jewell's appointment. No one appeared in opposition.

Committee Vote: For: (12) Senators Barnett, Chambers, Duis, Epke, Johnson, Luedtke, Nore, Snyder, Stromer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (1) Senator Stahmer.

Eugene E. Neal - Board of Parole

No one appeared for or against Mr. Neal.

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Luedtke, Snyder, Stromer, Whitney and Wiltse. Against: Senator Chambers. Present and not voting: (3) Senators Duis, Nore and Stull. Absent and not voting: (1) Senator Stahmer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman
COMMITTEE ON COMMITTEES

March 19, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Robert B. Kramer - Motor Vehicle Industry Licensing Board

No one appeared either in favor or opposition to this appointment.

Committee Vote: For: (12) Senators Barnett, Chambers, Duis, Epke, Johnson, Luedtke, Nore, Snyder, Stromer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (1) Senator Stahmer.

Howard L. Burdick - Public Employees Retirement Board

No one appeared either in favor or in opposition to this appointment.

Committee Vote: For: (12) Senators Barnett, Chambers, Duis, Epke, Johnson, Luedtke, Nore, Snyder, Stromer, Stull, Whitney and Wiltse.
Against: None. Absent and not voting: (1) Senator Stahmer.

Respectfully submitted,

(Signed) Ramey C. Whitney
COMMITTEE ON COMMITTEES

March 19, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Daniel C. Ramsey - State Highway Commission

No one appeared either in favor or against the appointment of Daniel C. Ramsey.

Committee Vote: For: (12) Senators Barnett, Chambers, Duis, Epke, Johnson, Luedtke, Nore, Snyder, Stromer, Stull, Whitney and Wiltse.
Against: None. Absent and not voting: (1) Senator Stahmer.

Dale F. Sailors - Motor Vehicle Industry Licensing Board

No one appeared either in favor or against the appointment of Dale F. Sailors.

Committee Vote: For: (12) Senators Barnett, Chambers, Duis, Epke, Johnson, Luedtke, Nore, Snyder, Stromer, Stull, Whitney and Wiltse.
Against: None. Absent and not voting: (1) Senator Stahmer.

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
COMMITTEE ON COMMITTEES

Judiciary

LEGISLATIVE BILL 700. Placed on General File as amended.
Standing Committee amendments to LB 700:

1. On page 2, line 15, after "more" insert "accurate, complete".

2. On page 3, line 2 after "information" strike the semicolon and add "but shall not include courts of record and administrative agencies whose principal function is of a judicial

or quasi-judicial nature;"; line 12 after "thereto" strike the semicolon and insert a period and add "Criminal offender record information shall not include intelligence, analytical and investigative reports and files, nor statistical records and reports in which individuals are not identified and from which their identities are not ascertainable;";

3. On page 4, line 24, after "senator;" add "(g) a representative of the news media"; strike "(g) seven" and insert "(h) six".

4. On page 5, line 21, strike "shall adopt such regulations" and insert "make recommendations to the Governor and the Legislature".

5. On page 6, line 7 after "information" strike the period and add "to the committee"; line 15 strike "regulations creating a continuing program of" and insert "minimum standards with regard to"; line 18 strike "regulations" and insert "minimum standards"; lines 21 and 22 strike "or valid administrative regulation of this state" and insert a period after "statute".

6. On page 7, line 5, strike the comma and insert a period after "recordkeeping" and strike the remainder of line 5 and all on line 6; line 8 strike "regulations to assure" and insert "minimum standards to assist in protecting"; line 21 after the period strike the rest of the line and lines 22 to 25; line 27, strike "whether each agency" and insert "which agencies and individuals, public and private".

7. On page 8, line 1 after "authorized" add a period and strike remainder of sentence; line 4 strike "eligibility or noneligibility" and insert "necessity"; line 4 after the period strike the remainder of line 4 and lines 5 to 11 and insert "The committee's annual report to the Governor and Legislature shall include all findings as to each agency or individual request for criminal justice information and the necessity for such information."; strike subsection (3) and renumber original section 4 as section 3; line 23, after "agencies" insert "and individuals, public and private"; line 25 strike "may" and insert "shall"; line 27, strike "regulations" and insert "standards".

8. On page 9, strike subsections 5 and 6.

9. On page 10, line 2, strike "regulations to" and insert "minimum standards to help"; line 4 strike "regulations" and insert "standards" and strike "require preservation of" and insert "be designed to preserve"; line 6, strike "shall require and line 8 strike "shall impose such"; line 13 strike "regulations" and insert "standards"; line 23 strike "regulate" and insert "monitor"; line 26 strike "be responsible to assure" and insert "determine".

10. On page 11, line 5, after "as" insert "have" and strike "are"; line 6, after "expressly" insert "notified" and strike "designated for that purpose by"; after "committee" strike the period and insert "of the nature and extent of such access and the security measures taken to protect the same"; line 9 insert a period after "terminals" and strike the remainder the line 9 and lines 10 and 11.

11. On page 12, line 15 after "inspection" strike the period and insert "and may impose such additional restrictions, including fingerprinting, as are reasonably necessary both to assure the record security and to verify the identifications of those who seek to inspect them."; line 18, after "court" insert a period and strike the remainder of the sentence.

12. On page 13, line 8, after "information" insert "which is inaccurate or incomplete as to final disposition"; on line 18 after the period strike the last sentence of section 15.

13. On page 14, line 5, beginning with the word "The" strike all material through page 15, line 21 and insert "Each criminal justice agency shall be required to file with the committee a copy of such methods and procedures."

14. On page 16, line 21, strike "serious crime" and insert "felony".

15. On page 17, lines 22 and 23 strike "less serious crime" and insert "misdemeanor".

16. On page 22 add a new section 32 as follows:

"Sec. 32. Those charged with the keeping of criminal records shall be required to enter no prosecution after an arrested person's name if there has been no prosecution, or, the disposition of the case if prosecuted, or, any pardon received in connection with any conviction. After entering such information, the subsequent use of any arrest information without the complete information of the disposition of the arrest or prosecution or pardon, if any, may be introduced into evidence in any libel or slander action in connection with the issue of actual malice."

17. On page 22 add a new section 33 to read as follows:

"Sec. 33. To protect the good name and reputation of innocent persons with names similar to those arrested, tried, or convicted, it is the public policy of this state that those responsible for arrest and record keeping shall include with the name of the person arrested the age, address, and occupation of such person, as part of the public record and permanent file. Any error made in these identification elements shall not be deemed fatal to any prosecution or conviction."

LEGISLATIVE BILL 1040. Placed on General File as amended.
Standing Committee amendments to LB 1040:

1. On page 2, line 8 strike "Community Correctional" and insert "Community-Centered"; line 9 strike "Correctional"; line 10 before "Diagnostic" insert "Adult"; line 11 strike "Correctional"; line 13 strike ". The director"; strike lines 14 and 15; line 16 strike "divisions"; and in line 25 after "coordinate" insert "and direct".

2. On page 4, lines 12, 16, and 20 strike "Correc-
tional"; line 25 after the semicolon insert "and"; and strike lines 26 and 27.

3. On page 5 strike lines 1 and 2; line 3 strike "{3}" and insert "{2}"; and in lines 10 and 13 strike "Correctional".

4. On page 6, line 5 after "juveniles" insert "within the division"; line 10 strike "Correctional"; line 19 strike "Community Correctional" and insert "Community-Centered"; line 26 strike "Juvenile Correctional" and insert "Community-Centered"; and in line 27 after "a" insert "uniform" and after "statewide" insert "pre delinquent".

5. On page 7, line 1 strike "for" and insert "for", including", and after "delinquency" insert ", by developing, utilizing, and coordinating existing services including all available community services"; lines 3 and 4, 10, 22, and 23 and 24 strike "Community Correctional" and insert "Community-Centered"; line 13 after "all" insert "adult"; line 14 after "state" insert ", including all adult work release, educational release, and furlough programs, with the assistance of the Division of Adult Services"; line 17 after the semicolon strike "and" and insert:

"(3) To assist the district judge with the promulgation of rules for the regulation and government of the jails in the state whenever requested by the district judges;

(4) To assist the Division of Adult Services with the coordination of volunteer programs within the adult correctional facilities; and"; and in line 18 strike "(3)" and insert "(5)".

6. On page 8, line 3 after "43-1001" insert an underscored period and strike the remainder of the line; strike line 4; lines 6, 12, and 15 after "Division of" insert "Adult"; line 13 after "the" insert "Adult"; lines 19 and 22 after "of" insert "adult"; line 24 strike "and"; line 25 after "To" insert "cooperate with the Division of Adult Services to"; and in line 27 strike "Department of Correctional".

7. On page 9, strike line 1 and insert "Division of Adult Services; and

(4) To design and implement a comprehensive data record system for the disposition of the criminal records of adult offenders in the state.

Sec. 15. The Director of Correctional Services shall appoint as head of the Division of Adult Services, who shall be designated as the Adult Services Administrator, any person who shall have an appropriate background in adult institutional correctional programs and adequate training and experience in correctional administrative work."; line 6 strike "medium" and insert "medium-minimum"; line 8 after "To" insert "assist the Division of Community Correctional Services to"; strike lines 13 to 15 and insert:

"(4) To cooperate with the Division of Adult Diagnostic and Evaluation Services to establish and maintain rehabilitation programs for individuals committed or referred to the division;

(5) To establish and maintain a chemical dependency rehabilitation program pursuant to section 17 of this act; and"; line 16 strike "(5)" and insert "(6)", and after "implement" insert "with the assistance of the Division of Community-Centered Services"; and after line 18 insert new sections as follows:

"Sec. 17. There is hereby established a program within the Division of Adult Correctional Services to be known as the Chemical Dependency Rehabilitation Program. The Director of Correctional Services shall appoint as head of such program a person who shall be designated as the Chemical Dependency Rehabilitation Supervisor and who shall have an academic background and broad practical experience and training in the area of alcoholism and drug abuse, and shall have at least one year of supervisory experience with an alcoholism or drug abuse program.

Sec. 18. Subject to the supervision of the Adult Correctional Services Administrator the supervisor shall have the following duties and responsibilities:

(1) To review the record of each inmate suspected of having a substance abuse problem and to interview and counsel any inmate whose personal history indicates such a problem;

(2) To require complete psychological testing of each inmate of the program by the Division of Diagnostic and Evaluation Services and determine a treatment plan for the inmate's recovery;

(3) To make available private counseling sessions and establish counseling groups;

(4) To encourage inmates to participate in self-help groups or associations and develop chemical dependency recovery programs;

(5) To coordinate all programs and facilities under such supervisor's jurisdiction;

(6) To make periodic studies of the policies of other states regarding the levels of services being provided in this state in comparison with that of other states;

(7) Promote and conduct research on alcoholism and drug abuse;

(8) To select and manage such additional staff as the supervisor may request;

(9) To provide the Legislature and the Governor technical assistance, advice, and information concerning administrative operations; and

(10) To exercise all powers and perform all duties necessary and proper in carrying out such supervisor's responsibilities.

Sec. 19. Subject to the supervision of the Adult Correctional Services Administrator the supervisor shall appoint two counselors who shall provide therapy and counseling for inmates within the jurisdiction of the Division of Adult Correctional Services and assist the supervisor in carrying out his duties. Such counselors shall be known as the drug abuse rehabilitation counselor and the alcoholic rehabilitation counselor. The counselors shall have appropriate background to perform professional counseling in the treatment of chemical dependency. The compensation of the supervisor and the counselors of the Chemical Dependency Rehabilitation Program shall be fixed by the Director of Correctional Services subject to availability of appropriations."

8. Strike original sections 18, 19, 20, 21, 23, 24, 25, 28, 29, 30, 31, 33, and 34.
9. On page 14, lines 24 and 25 reinstate "district judges" and strike "Department of Correctional Services".
10. On page 16, line 27 reinstate "district judges".
11. On page 17, line 1 strike the new matter, lines 8 and 9 reinstate "district judges" and strike "Director of Correctional Services,"; and in line 27 strike "one" and insert "one five" and strike "twenty-five" and show as stricken.
12. On page 18, line 3 reinstate the stricken matter and strike the new matter.
13. On page 20, line 15 strike "and for such periods of time" and show as stricken; lines 16 and 17 reinstate the stricken matter and strike the new matter; in line 19 after "generally" insert "and shall be kept for such periods of time as may be prescribed by the rules of the State Records Administrator".
14. On page 21, line 18 strike "47-101, 47-102,"; line 19 strike "47-104, 47-105, 47-107, 47-108, 47-109,"; line 20 strike "47-116, 47-201, 47-202, 47-203, 47-206,"; line 22 after "47-204" strike the comma; and in line 23 strike "47-205,".
15. Renumber original sections 15, 16, 17, 26, 27, 32, and 35 as sections 16, 20, 21, 23, 24, 25 and 26 respectively.

(Signed) Roland Luedtke, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 623. Placed on General File.

LEGISLATIVE BILL 624. Placed on General File.

LEGISLATIVE BILL 678. Placed on General File as amended.

Standing Committee amendments to LB 678:

1. Strike sections 1 to 3 and insert:
 - 1 Section 1. That section 66-423.01, Revised
 - 2 Statutes Supplement, 1972, be amended to read as follows:
 - 3 66-423.01. Any county may by resolution of the
 - 4 county board, any city may by ordinance of the mayor and
 - 5 city council, and any village may by ordinance of the
 - 6 chairman and board of trustees issue bonds for the
 - 7 construction of roads of the county and street and state
 - 8 highway or federal aid routes of cities and villages, and
 - 9 to pay the interest on and to retire any such bonds by
 - 10 pledging funds received from the Highway Allocation Fund.
 - 11 Any city of the metropolitan class or primary class may,
 - 12 by ordinance of the mayor and city council, issue bonds
 - 13 for the construction of off-street parking facilities of
 - 14 such city and to pay the interest on and to retire any
 - 15 such bonds by pledging funds received from the Highway
 - 16 Allocation Fund. The issuance of bonds by any county,

17 city, or village under the authority of this section
 18 shall not be subject to any charter or statutory
 19 limitations of indebtedness or be subject to any
 20 restrictions imposed upon or conditions precedent to the
 21 exercise of the powers of counties, cities, and villages
 22 to issue bonds or evidences of indebtedness which may be
 23 contained in such charters or other statutes. Any
 24 county, city, or village which has heretofore or may
 25 hereafter issue bonds under the authority of this section
 26 shall levy ad valorem taxes upon all the taxable
 27 property, except intangible property, in such county,
 1 city, or village issuing such bonds at such rate or rates
 2 within any applicable charter, statutory, or
 3 constitutional limitations as will provide funds which,
 4 together with receipts from the Highway Allocation Fund
 5 pledged to the payment of such bonds and any other money
 6 made available and used for that purpose, will be
 7 sufficient to pay the principal of and interest on such
 8 bonds as they severally mature.
 9 Sec. 2. That original section 66-423.01,
 10 Revised Statutes Supplement, 1972, is repealed.

LEGISLATIVE BILL 1006. Indefinitely postponed.

(Signed) Ernest Chambers, Chairman

MOTION—Introduce Bill

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. 1648). The motion prevailed with 36 ayes, 0 nays and 13 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1059. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Marsh, 29th District; Nore, 22nd District; Simpson, 46th District; Whitney, 44th District; Stahmer, 8th District; Johnson, 15th District; Savage, 10th District.

A BILL FOR AN ACT relating to appropriations; to amend sections 11, 41, 44, 46, 50, 52, 59, and 74, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, and sections 3, 43, 48, 49, 51, 64, and 79, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, as amended by sections 1, 10, 11, 12, 13, 16, and 17, Legislative Bill 582, Eighty-third Legislature, First Session, 1973; to increase certain appropriations; to reallocate certain appropriations; to provide duties for the Governor; to repeal the original sections; and to declare an emergency.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules to place LB 1059 directly on General File after LB 1058. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

MOTION—Reconsider Action on LB 963

Mr. Kennedy moved to reconsider action on LB 963 of yesterday.

Motion pending. Laid over.

POINT OF PERSONAL PRIVILEGE

Mr. Schmit spoke to the members regarding a recent newspaper article on his helicopter service on power lines.

UNANIMOUS CONSENT—Members Excused

Messrs. Stahmer, Stromer and F. Lewis asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 651

Mr. Waldron asked unanimous consent to unbracket LB 651 on General File for discussion on March 26.

Mr. Duis objected.

Mr. Waldron moved to unbracket LB 651 on General File for discussion on March 26.

Mr. Waldron moved for a Call of the House. The motion lost with 13 ayes, 18 nays and 18 not voting.

Mr. Waldron requested a record vote on his motion.

Voting in the affirmative, 18:

Anderson	Cavanaugh	DeCamp	Dickinson	Duis
Fowler	Hasebroock	Johnson	Kennedy	Kremer
R. Lewis	Maresh	Rasmussen	Richendifer	Schmit
Snyder	Waldron	Warner		

Voting in the negative, 16:

Barnett	C. Carsten	Clark	Goodrich	Keyes
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Kime	Marsh	Murphy	Nore	Proud
Savage	Skarda	Stull	Syas	Whitney
Wiltse				

Not voting, 15:

Burbach	Carpenter	F. Carstens	Chambers	Epke
Fellman	Kelly	F. Lewis	Luedtke	Mahoney
Marvel	Moylan	Simpson	Stahmer	Stromer

The Waldron motion lost with 18 ayes, 16 nays and 15 not voting.

ADJOURNMENT

At 4:02 p.m., on a motion by Mr. Rasmussen, the Legislature adjourned until 9:00 a.m., Wednesday, March 20, 1974.

Vincent D. Brown
Clerk of the Legislature

FORTY-SEVENTH DAY—MARCH 20, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 20, 1974

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett Hezmall, Associate Pastor of the Westminster Presbyterian Church.

O Lord teach us to number our days that we may apply our hearts unto wisdom. Time is short and no one of us knows how little time he has left. May we be found using our time, talents and strength wisely.

Help us now to put our faith in You O Father, as we begin the duties of the day. Save us from the pessimism that we can do nothing to improve the situations before us. Save us from the delusions of building false hope and vain dreams. Give us the joy of knowing that as we commit our way unto the Lord and trust also in Him He will bring to pass that which is best for us.

Help us to work for our election without anxiety as to its outcome. Save us from the tyranny of the nonessential. Let the inner feelings of inadequacy push us toward abundant resources of God. Give us grace to act honestly in all our dealings, and to speak courageously the truth as we understand it, so that we may close each day with your blessing of well done. Through Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Clark who was excused, Messrs. Proud and Snyder who were excused until they arrive, Mr. Cavanaugh who was absent until 9:30, and Mr. Chambers who was absent until 9:40 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1165, line 11, correct spelling of "Pastor".

Page 1177, line 26, delete "692".

Page 1179, line 20, insert the word "except" before "in".

Page 1180, delete "Re-" from the last line.

The Journal for the Forty-sixth Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 20, 1974, at 9:00 a.m., was the following: LB 972.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bill was correctly re-engrossed: 983A

The following bills were correctly engrossed: 721 and 877.

Correctly Enrolled

The following bills were correctly enrolled: 679, 824, 832, 882, 886, 909 and 911.

(Signed) John J. Cavanaugh

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 679, 824, 832, 882, 886, 909 and 911.

MOTION—Suspend Rules

Mr. Whitney moved to suspend the rules to go directly to General File and consider appropriation bills. The motion lost with 13 ayes, 15 nays and 21 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 625. With Emergency.

A BILL FOR AN ACT to amend section 83-424, Reissue Revised Statutes of Nebraska, 1943, sections 33-117 and 83-337, Revised Statutes Supplement, 1972, and sections 23-1112 and 23-1112.01, Revised Statutes Supplement, 1973, relating to fees and allowances; to increase allowances for mileage and boarding of prisoners; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	DeCamp	Dickinson	Duis	Epke
Fellman	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Rasmussen	Richendifer
Savage	Schmit	Skarda	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 2:

Fowler Simpson

Not voting, 6:

Cavanaugh	Chambers	Clark	Nore	Proud
Snyder				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 788.

A BILL FOR AN ACT to amend sections 79-2634 and 79-2635, Revised Statutes Supplement, 1973, relating to technical community colleges; to provide that the State Board of Technical Community Colleges shall provide uniform retirement benefits for all technical community colleges; to strike a special provision for investments; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	Chambers	Clark	Proud	Snyder
Stahmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 949.

A BILL FOR AN ACT to amend sections 23-2416 and 81-8,227, Reissue Revised Statutes of Nebraska, 1943, and section 25-213, Revised Statute Supplement, 1972, relating to statute of limitations; to extend the statute of limitations for infants and persons insane or imprisoned as provided; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
DeCamp	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel

Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Carpenter	Cavanaugh	Chambers	Clark	F. Lewis
Proud	Snyder			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1011.

A BILL FOR AN ACT relating to insurance; to provide for rehabilitation and conservation of insurers as prescribed; to define terms; and to provide powers and duties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Chambers	DeCamp	Dickinson	Duis
Epke	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Carpenter	Clark	Fellman	R. Lewis	Snyder
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1024. Mr. F. Lewis moved to return LB 1024 to Select File for the following specific amendment.

Section 1, page 2, line 19:

Strike the period after the word "mayor" and add the following language: with approval of a majority of the council.

The motion prevailed with 31 ayes, 5 nays and 13 not voting.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules to place LR 128 on General File.

Mr. Barnett moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Carpenter motion lost with 15 ayes, 24 nays and 10 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 130. By Duis, 39th District.

WHEREAS, the State Legislature has the responsibility of developing the basic public policies for the state, and of appropriating the funds necessary to implement these policies; and

WHEREAS, the Rules of the Nebraska Unicameral govern the procedures to follow in achieving these major policy decisions; and

WHEREAS, these rules should be promulgated in such a manner as to expedite Legislative matters most efficiently; and

WHEREAS, these rules should be periodically reviewed to insure that the increased complexity and demands for services and programs be met by the Legislature; and

WHEREAS, it has now become apparent and advisable that the Legislature review and consider the rules that govern its body.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That an interim study be conducted to determine what actions might be taken to increase the efficacy of the rules governing the Nebraska Legislature.

2. That the Administrative Rules and Regulations Committee of the Legislature serve as an interim study committee for the reasons and purposes set out above, and that this committee is hereby authorized by the body to conduct such hearings as may be necessary to effectuate the intent and purpose of this resolution.

3. That the committee make its report to the next session of the Legislature with its recommendations.

Referred to Executive Board.

MESSAGES FROM THE GOVERNOR

March 20, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 976 without my signature and with my objections.

This bill once again attempts to seriously violate the constitutional separation of powers between the executive and legislative branches.

While I do not necessarily oppose the supposed intent of the bill, it could be more properly handled as a resolution, and I would conduct a study.

The Legislature does not have the authority to so dictate to the Governor, and your language, "The Governor shall on or before November 1, 1974 present to the Legislature's Committee on Public Works proposed legislation," is not within the prerogatives of the Legislature. It is not and never should be the right of the Legislature to direct the Governor to propose general legislation. That essentially is a legislative function, but the Constitution allows that the Governor may introduce legislation.

The attached copy of the Attorney General's opinion of March 18, 1974 generally supports my conclusions.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINION

March 18, 1974

The Honorable J. James Exon
Governor of the State of Nebraska
State Capitol
Lincoln, Nebraska

Dear Governor:

Your March 14 letter raises some constitutional questions with respect to L. B. 976, passed on March 13 by the Legislature. That act provides that you "shall undertake a study of the inspection functions currently performed by state agencies," that you "shall on or before September 1, 1974 submit to the Legislature's committee on Public Works a report of his findings and recommendations for the consolidation of such inspection functions," and that you shall "on or before November 1, 1974 present to the Legislature's committee on Public Works proposed legislation for the reorganization of state agencies pursuant to the September 1, 1974 report and recommendations."

At the outset, and aside from constitutional questions, we point out that the dates set out in the statute for certain actions are not binding on you. Where a statute requires an official act to be done by a given day, for a public purpose, it must be construed as merely directory in regard to the time of performance. (*State, ex rel Kobes v. Grimm*, 115 Neb. 230). Or, as stated by our Court in *Tash v. Ludden*, 88 Neb. 292:

"Those directions which are not of the essence of the thing to be done, but which are given with a view merely to the proper, orderly, and prompt conduct of the business, and by a failure to obey which the rights of those interested will not be prejudiced, are not commonly to be regarded as mandatory; and if the act is performed, but not in the time or in the precise mode indicated, it may still be sufficient, if that which is done accomplishes the substantial purpose of the statute."

In your letter you refer specifically to that part of the act which directs that "the Governor shall on or before November 1, 1974, present to the Legislature's committee on Public Works proposed legislation for the reorganization of state agencies pursuant to the September 1, 1974 report and recommendations," and you suggest that this may violate the "basic and fundamental concept of separation of powers between the Legislative and Executive branches of state government."

An argument could be made that the act does violate the separation of powers doctrine. Clearly the Legislature has always recognized that what it would require of you in this instance is a legislative function, since they have created a Legislative Council "to consider legislative policies between sessions of the Legislature and carry out the duties imposed by section 50-402." The section referred to makes it the duty of the council "to collect information concerning the government and general welfare of the state," and "to prepare a legislative program in the form of bills, or otherwise, as in its opinion the welfare of the state may require, to be presented at the next session of the Legislature."

Our Constitution also contemplates that these matters are legislative, because after vesting the legislative authority of the state in our Legislature, in the very next sentence the people reserved for themselves "the power to propose laws * * * independent of the Legislature."

Our Constitution requires you to submit a budget bill to the Legislature, but there is no such written requirement as to any other type of bill. That document does provide that you may "whenever the Legislature may require, give by message to the Legislature information of the condition of the state, and shall recommend such measures as he shall deem expedient." But that language leaves the matter entirely up to you.

On the other side of the coin, an argument can be made based upon the principle that our state Constitution is not a grant, but rather is a restriction on the legislative power, and therefore courts will enforce only those limitations which can be found in the Constitution and will otherwise recognize that the Legislature may legislate upon any subject not inhibited by the Constitution. Our Court has recognized this principle by accepting the following: "The courts can enforce only those limitations which the Constitution imposes, and not those implied restrictions which, resting on theory only, the people have been satisfied to leave to the judgment, patriotism, and sense of justice of their representatives." (Elmen v. Board, 120 Neb. 141).

We are not going to say that the act is unconstitutional. That is not our constitutional function. But if it came to litigation, we would rather not be on the side which had to argue for its validity.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:ejg

REFERENCE COMMITTEE REPORT

LR Committee
128 Cons. Rev. & Rec.

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARING Constitutional Revision and Recreation

LR 128 Wednesday, March 27, 1974

12:45 p.m.

(Signed) George Syas, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Schmit asked unanimous consent to be excused at 9:40 a.m. for a short time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 826A. E & R amendment found in the Journal on page 1186 for the Forty-sixth Day was adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 1028. E & R amendments found in the Journal on page 1186 for the Forty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1024. The F. Lewis specific amendment found in this day's Journal was renewed.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 14 ayes, 9 nays and 26 not voting.

Mr. Johnson moved the Call be raised. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

The F. Lewis specific amendment was adopted with 30 ayes, 8 nays and 11 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 790 to Select File

Mr. C. Carsten renewed his pending motion found in the Journal on page 1189 for the Forty-sixth Day to return LB 790 to Select File for the specific amendment on page 1189. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 790. The C. Carsten specific amendment found in the Journal on page 1189 for the Forty-sixth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 327 to Select File

Mr. Waldron moved to return LB 327 to Select File for the specific amendments referred to on page 818 for the Thirty-fourth Day.

Mr. Waldron moved for a Call of the House. The motion lost with 16 ayes, 19 nays and 14 not voting.

Mr. Waldron requested a roll call vote.

Voting in the affirmative, 20:

Anderson	Barnett	Carpenter	Cavanaugh	Chambers
Fowler	Keyes	Kime	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Richendifer	Schmit
Simpson	Skarda	Stahmer	Syas	Waldron

Voting in the negative, 24:

C. Carsten	F. Carstens	DeCamp	Duis	Epke
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Kremer	R. Lewis	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Savage	Stromer
Stull	Warner	Whitney	Wiltse	

Not voting, 5:

Burbach	Clark	Dickinson	Fellman	Snyder
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The motion lost with 20 ayes, 24 nays and 5 not voting.

UNANIMOUS CONSENT—Withdraw Amendments to LB 821

Mr. Stull asked unanimous consent to withdraw his amendments referred to in the Journal on page 1125 for the Forty-fourth Day to LB 821. No objections. So ordered.

NOTICE OF COMMITTEE HEARING Committee on Committees

March 20, 1974

The Committee on Committees will meet at 8:00 AM, Thursday, March 28, 1974, in the East Lounge, Room 2230, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

F. B. Thompson

Board of Public Roads Classifications and Standards

John Mason — Oil and Gas Conservation Commission

Reed Gilmore — Oil and Gas Conservation Commission (reset)

John Shoemaker — Power Review Board

Holly Hodge, Jr.

Agricultural Products Industrial Utilization Committee

Ervain J. FrieheAgricultural Products Industrial Utilization CommitteeRonald KellyAgricultural Products Industrial Utilization CommitteeJack QuackenbushAgricultural Products Industrial Utilization CommitteeJohn SullivanAgricultural Products Industrial Utilization CommitteeRobert R. RaunerAgricultural Products Industrial Utilization CommitteeGary ShultsAgricultural Products Industrial Utilization Committee

(Signed) Ramey C. Whitney, Chairman

UNANIMOUS CONSENT—Approve Appointments

Mr. Whitney asked unanimous consent to approve the Governor appointments found in the Journal on pages 1190 through 1193 in one record vote.

Mr. Simpson objected.

Mr. Whitney asked unanimous consent to approve the appointments of Marvin E. Jewell, Robert B. Kramer, Howard L. Burdick, Daniel C. Ramsey, and Dale F. Sailors in one record vote and consider the Parole Board members separately. No objections. So ordered.

Voting in the affirmative, 30:

Anderson	Barnett	C. Carsten	Chambers	DeCamp
Dickinson	Duis	Fowler	Goodrich	Hasebroock
Johnson	Kennedy	Keyes	F. Lewis	Luedtke
Marsh	Marvel	Moylan	Nore	Proud
Rasmussen	Richendifer	Savage	Simpson	Skarda
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 19:

Burbach	Carpenter	F. Carstens	Cavanaugh	Clark
Epke	Fellman	Kelly	Kime	Kremer
R. Lewis	Mahoney	Maresh	Murphy	Schmit
Snyder	Stahmer	Stromer	Waldron	

The President declared the above appointments confirmed.

Edward M. Rowley – Board of Parole

Voting in the affirmative, 26:

Anderson	Barnett	C. Carsten	Cavanaugh	DeCamp
Fowler	Goodrich	Kennedy	Keyes	F. Lewis
Luedtke	Mahoney	Marsh	Marvel	Moylan
Nore	Proud	Rasmussen	Savage	Simpson
Skarda	Stull	Syas	Waldron	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 23:

Burbach	Carpenter	F. Carstens	Chambers	Clark
Dickinson	Duis	Epke	Fellman	Hasebroock
Johnson	Kelly	Kime	Kremer	R. Lewis
Maresh	Murphy	Richendifer	Schmit	Snyder
Stahmer	Stromer	Warner		

The President declared the appointment of Mr. Rowley confirmed.

Timothy E. Blankenship - Board of Parole

Voting in the affirmative, 30:

Anderson	Barnett	Carpenter	C. Carsten	Cavanaugh
DeCamp	Dickinson	Duis	Fellman	Fowler
Goodrich	Hasebroock	Kennedy	Keyes	F. Lewis
Luedtke	Mahoney	Marsh	Moylan	Nore
Proud	Rasmussen	Richendifer	Savage	Skarda
Stromer	Stull	Syas	Waldron	Whitney

Voting in the negative, 3:

Chambers	Simpson	Wiltse
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Not voting, 16:

Burbach	F. Carstens	Clark	Epke	Johnson
Kelly	Kime	Kremer	R. Lewis	Maresh
Marvel	Murphy	Schmit	Snyder	Stahmer
Warner				

The President declared the appointment of Mr. Blankenship confirmed.

John B. Greenholtz - Board of Parole

Voting in the affirmative, 33:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Dickinson	Duis	Fowler	Goodrich
Hasebroock	Johnson	Kennedy	Keyes	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Murphy	Nore	Proud	Rasmussen	Richendifer
Savage	Skarda	Stahmer	Stull	Syas
Waldron	Whitney	Wiltse		

Voting in the negative, 2:

Chambers Simpson

Not voting, 14:

Burbach	Clark	DeCamp	Epke	Fellman
Kelly	Kime	Kremer	R. Lewis	Marvel
Schmit	Snyder	Stromer	Warner	

The President declared the appointment of Mr. Greenholtz confirmed.

Marshall M. Tate - Board of Parole

Voting in the affirmative, 30:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Dickinson	Duis	Fowler
Goodrich	Hasebroock	Johnson	Keyes	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Nore	Rasmussen	Richendifer	Savage	Simpson
Skarda	Stahmer	Stull	Syas	Whitney

Voting in the negative, 0.

Not voting, 19:

Burbach	Clark	DeCamp	Epke	Fellman
Kelly	Kennedy	Kime	Kremer	R. Lewis
Marvel	Murphy	Proud	Schmit	Snyder
Stromer	Waldron	Warner	Wiltse	

The President declared the appointment of Mr. Tate confirmed.

Eugene E. Neal - Board of Parole

Voting in the affirmative, 26:

Anderson	Barnett	Carpenter	C. Carsten	Dickinson
Epke	Fowler	Goodrich	Hasebroock	Johnson
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Moylan	Nore	Rasmussen	Richendifer	Savage
Simpson	Skarda	Stahmer	Stull	Whitney
Wiltse				

Voting in the negative, 1:

Chambers

Not voting, 22:

Burbach	F. Carstens	Cavanaugh	Clark	DeCamp
Duis	Fellman	Kelly	Kennedy	Keyes
Kime	Kremer	R. Lewis	Marvel	Murphy
Proud	Schmit	Snyder	Stromer	Syas
Waldron	Warner			

The President declared the appointment of Mr. Neal confirmed.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 960. Replaced on Select File as amended.
E & R amendments to LB 960:

(Note: The Fowler amendments refer to
the Final Reading Bill.)

1. In section 2, line 4, strike "52-602" and
insert "~~52-602~~ 1 of this act".

2. In the title, as amended, in line 4, strike
the last "or"; and strike lines 5 to 9 and insert "advanced;
to amend section 52-603 and 52-604, Reissue Revised Statutes
of Nebraska, 1943; to change the manner of sale and the
disposition of funds; and to repeal the original sections,
and also section 52-602, Reissue Revised Statutes of Nebraska,
1943, and section 52-601, Revised Statutes Supplement, 1973."

LEGISLATIVE BILL 861. Replaced on Select File as amended.
E & R amendments to LB 861:

1. In the first Marsh amendment adopted 3/19,
line 3, insert "old matter" after "show".

2. In the fourth Marsh amendment, insert
"show as stricken and" after "and".

3. In lieu of the fifth Marsh amendment, on page 7, line 26, strike "him" and insert "~~him~~ it".

4. In lieu of the sixth to the eleventh Marsh amendments, on page 8, line 2, strike "In addition to the administrator, the" and show as stricken and insert "The"; in line 3 insert "the Secretary of State," after "of"; in lines 8 and 13 strike "director" and insert "~~director~~ administrator"; in line 12 strike "administrator" and insert "~~administrator~~ Secretary of State"; in lines 15 and 17 strike "administrator" and insert "~~administrator~~ chairman".

5. In the twelfth Marsh amendment, strike "board" and insert "~~board~~ administrator".

6. In the thirteenth Marsh amendment, strike "and show as stricken".

7. In lieu of the sixteenth to the eighteenth Marsh amendments, on page 21, line 8, strike "administrator" and insert "~~administrator~~ committee"; and in lines 18 and 19 strike "administrator with the approval of the" and insert "~~administrator~~".

8. In the nineteenth Marsh amendment, insert "~~him~~" before "the".

9. In lieu of the twenty-first Marsh amendment, strike the E & R amendment to page 23, line 17 and 18.

LEGISLATIVE BILL 692. Replaced on Select File as amended. E & R amendments to LB 692:

1. In the last line of the Murphy amendment, strike the period.

2. In the title, line 4, insert "in certain counties" after "Sunday".

(Signed) John J. Cavanaugh, Chairman

MOTION—Withdraw LB 520

Mr. Luedtke moved to withdraw LB 520. Motion pending. Laid over.

UNANIMOUS CONSENT—General File Order

Mr. Kelly asked unanimous consent to switch LB 754 and LB 880 on General File. No objections. So ordered.

MOTION—Withdraw LB 880

Mr. Kelly renewed his pending motion found in the Journal on page 1152 for the Forty-fifth Day to withdraw LB 880.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

MOTION—Reconsider Action on LB 855

Mr. Barnett renewed his pending motion found in the Journal on page 1151 for the Forty-fifth Day to reconsider action on the override of the Governor's veto on LB 855.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

The question is "Shall LB 855 pass notwithstanding the objections of the Governor.

Voting in the affirmative, 36:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Dickinson	Duis
Fellman	Fowler	Hasebroock	Johnson	Keyes
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Stahmer	Stromer	Waldron	Warner
Wiltse				

Voting in the negative, 7:

Epke	Goodrich	Kelly	Kennedy	Kime
Stull	Syas			

Not voting, 6:

Clark	DeCamp	Kremer	Proud	Snyder
Whitney				

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Return LB 1028 to Select File

Speaker Proud moved to return LB 1028 to Select File for the following specific amendment:

1. Strike renumbered sections 3 and 4; and renumber subsequent sections accordingly.

Speaker Proud moved for a Call of the House. The motion prevailed with 23 ayes, 4 nays and 22 not voting.

The Call showed 42 members present.

Speaker Proud moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The motion prevailed with 27 ayes, 11 nays and 11 not voting.

SELECT FILE

LEGISLATIVE BILL 1028. The Proud specific amendment found in this day's Journal was renewed.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 32:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
DeCamp	Dickinson	Epke	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Maresh	Marsh
Moylan	Murphy	Proud	Rasmussen	Savage
Simpson	Stahmer	Stromer	Stull	Warner
Whitney	Wiltse			

Voting in the negative, 10:

Carpenter	Chambers	Fellman	Fowler	Mahoney
Richendifer	Schmit	Skarda	Syas	Waldron

Not voting, 7:

F. Carstens	Clark	Duis	Luedtke	Marvel
Nore	Snyder			

The Proud amendment was adopted with 32 ayes, 10 nays and 7 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 1028 to Select File

Mr. Skarda moved to return LB 1028 to Select File for the following specific amendment:

Strike the enacting clause.

Motion pending.

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused this afternoon. No objections. So ordered.

COMMUNICATIONS ON LB 855

March 20, 1974

Hon. Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 855, Eighty-third Legislature, Second Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 855 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 855 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

Is
cc: Gov. J. James Exon

CERTIFICATE

Legislative Bill 855 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 20th day of March, 1974.

(Signed) Frank Marsh, Presiding Officer
President of the Legislature

VISITORS

President Marsh introduced Miguel Vallejo, 34 Senior students and teacher of the American Government Class, Tobias, Nebraska; 26 Senior High students and teacher from Adams, Nebraska.

RECESS

At 11:59 a.m., on a motion by Mr. Carpenter, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. F. Carstens, Clark and Waldron who were excused and Messrs. Snyder and Stromer who were excused until they arrive.

UNANIMOUS CONSENT—Bracket LB 685

Mr. Carpenter asked unanimous consent to bracket LB 685 on Final Reading. No objections. So ordered.

MOTION—Return LB 1028 to Select File

Mr. Skarda renewed his pending motion found in this day's Journal to return LB 1028 to Select File for the specific amendment to:

Strike the enacting clause.

Mr. Skarda asked unanimous consent to withdraw the motion. No objections. So ordered.

MESSAGE FROM THE SECRETARY OF STATE

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Reference: Legislative Bill Number 855
Eighty-Third Legislature, Second Session

Dear Mr. Brown:

I acknowledge receipt of Legislative Bill Number 855 along with the certification signed by Frank Marsh, presiding officer and President of the Legislature.

The certification informs me that Legislative Bill Number 855 was returned by the Governor with his objection thereto and after consideration Legislative Bill Number 855 passed the Legislature by a constitutional majority and it has thereby become law on the twentieth day of March 1974.

Please be advised that the certification and the bill have been filed in this office on the twentieth day of March 1974 at 11:55 a.m. and are now public record.

Sincerely,

(Signed) Allen J. Beermann
Secretary of State

MOTION—Rule Changes

Mr. Syas offered the following rule changes:

To amend Rule 5, Sec. 5, page 23 to read as follows:

Sec. 5. Introduction of bills, Ten Day Limitation. (a) Except as provided in Rule 5, Sec. 6, no bill, including committee bills, shall be introduced after the tenth legislative day during sessions in odd-numbered or even-numbered years, except as hereinafter provided.

(b) A bill may be introduced at the request of the Governor at any time. A standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature.

(c) A standing committee or special committee may introduce a bill provided the Reference Committee concurs and the said bill received the endorsement of a majority of the committee members, whose names shall be on the bill and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature.

(d) Before an individual member may apply to a committee for introduction of a bill, he must first submit the bill to the Reference Committee. The Reference Committee shall determine if the bill shall be introduced and if so which committee of the Legislature the subject of the bill is germane to. The bill shall then be submitted to the committee designated by the Reference Committee. A standing committee shall not recommend a bill for introduction unless the subject matter of the bill is germane to the subjects assigned to such committee. If the Reference Committee should decide the bill is not of sufficient importance to merit introduction their decision shall prevail unless overruled by a majority of the elected members.

(e) A copy of intent of a bill recommended for introduction by a Committee must be placed on each member's desk before such introduction of bill is voted upon.

(f) In regular sessions each member shall be limited as an introducer or co-introducer to a total of 10 bills for the period of introduction of bills by individual members. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of 10 bills; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 5, Sec. 3a will not be included in the limitation.

To amend Rule 3, Sec. 19, page 17 to read as follows:

Sec. 19. Reference Committee. The ~~Executive Board~~ shall constitute the Reference Committee shall consist of the Speaker, Chairman and Vice Chairman of the Executive Board and Chairman of the Committee on Committees. The Reference Committee shall review each bill and resolution and either refer the bill to a standing committee or to General File.

Those placed on General File will be bracketed for five calendar days, and if one Senator requests a public hearing on one or more of these bills, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Reference of resolutions. Rule 4, Sec. 8, page 21.

Referred to the Rules Committee.

STANDING COMMITTEE REPORTS Government, Military and Veterans Affairs

LEGISLATIVE BILL 329. Placed on General File as amended.
Standing Committee amendments to LB 329:

1. Strike original section 1 to 321 and insert the following:

- 1 "Section 1. That section 32-421.01, Revised
- 2 Statutes Supplement, 1973, be amended to read as follows:
- 3 32-421.01. At the top of the ballot for general
- 4 elections and over all else shall be printed in black
- 5 face type one half inch high the words Official Ballot,
- 6 General Election 19.....
- 7 The names of all candidates and all measures to
- 8 be voted upon at the general election shall be arranged
- 9 upon the ballot in parts separated from each other by
- 10 black lines, as follows:
- 11 (1) All proposals submitted by initiative or
- 12 referendum and proposals for constitutional amendments
- 13 shall be submitted on a separate ballot.
- 14 (2) If the election be in a year in which a
- 15 President of the United States is to be elected, in
- 16 spaces separated from the foregoing by a heavy black line
- 17 and entitled Presidential Ticket, in black type not less
- 18 than eighteen point, shall be the names and spaces for
- 19 voting for candidates for President and Vice President;
- 20 the names of candidates for President and Vice President
- 21 for each political party shall be grouped together, each
- 22 group enclosed with brackets with one square to the left

23 in which the voter indicates his choice, and the party
24 name to the right, with a heavy black line across the
25 column, separating the group of the different political
26 parties.

1 (3) Following and immediately after a heavy black
2 line separating from the three preceding named parts
3 shall appear the names of candidates for United States
4 Senator, if any are to be elected.

5 (4) In spaces separated from the foregoing by a
6 heavy black line and entitled State Ticket, in black type
7 not less than eighteen point, shall be the names and
8 spaces for voting for candidates for the various state
9 officers each set of which shall be separated by lines
10 across the column, and above each set of candidates shall
11 be designated the office for which they are candidates
12 and arranged in the order as prescribed by the Secretary
13 of State. In the year 1974 and every fourth year
14 thereafter, the candidates for Governor and Lieutenant
15 Governor of each political party receiving the highest
16 number of votes in the primary shall be grouped together.
17 In the general election one vote shall be cast jointly
18 for the candidates for Governor and Lieutenant Governor
19 and the names on the ballot shall be grouped, each group
20 enclosed with brackets with one square to the left in
21 which the voter indicates his choice, and the party name
22 to the right, with a heavy black line across the column
23 separating the group of different political parties.

24 (5) In spaces separated from the foregoing by a
25 heavy black line and entitled Congressional Ticket in
26 black type not less than eighteen point, shall be the
27 names and spaces for voting for candidates for
1 Representatives in Congress and above the candidates'
2 names the office shall be designated for Representative
3 in Congress..... District.

4 (6) In spaces separated from the foregoing by a
5 heavy black line and entitled Nonpolitical Ticket in
6 black type not less than eighteen point, shall be the
7 names of all nonpolitical candidates in the following
8 order:

- 9 (a) For Member of the State Board of
10 Education..... District;
11 (b) For Member of the Legislature.....
12 District;
13 (c) For Regent of the University of
14 Nebraska..... District;
15 (d) For County Judge..... District;
16 (e) For County Superintendent;

17 (f) For Municipal Judge;
18 (g) For Attorney General;
19 ~~(g)~~ (h) For Director of Public Power and
20 Irrigation District; and

21 (h) (i) For Director of Reclamation District.

22 (7) In spaces separated from the foregoing by a
23 heavy black line and entitled County Ticket, in black
24 type not less than eighteen point, shall be the names and
25 spaces for voting for the various county offices, in the
26 order as prescribed by the Secretary of State; and for
27 measures submitted to the county vote only or in only a
1 part thereof; Provided, that if the county clerk or
2 election commissioner, as the case may be, shall deem it
3 advisable such measures shall be submitted on a separate
4 ballot.

5 (8) In like manner shall be printed the
6 candidates for office in the precinct only or in the city
7 only; Provided, that if the county clerk or election
8 commissioner shall deem it advisable, candidates for
9 these offices may be submitted on a separate ballot.

10 Sec. 2. That section 32-424, Revised Statutes
11 Supplement, 1973, be amended to read as follows:

12 32-424. (1) After the primary election, the
13 county clerk or other official, whose duty it is to
14 prepare the official ballot for the general election to
15 be held in this state, shall place the names of all
16 nonpolitical candidates, including members of the
17 Legislature and the Attorney General, upon the same
18 official ballot as the political candidates and
19 substantially in the same general form.

20 (2) The names of the nonpolitical candidates,
21 referred to in subsection (1) of this section, shall be
22 rotated on the official ballot as provided by law for the
23 nomination of members of the State Board of Education,
24 county judges, county superintendents, Regents of the
25 University of Nebraska, members of the Legislature, the
26 Attorney General, and directors of public power and
27 irrigation districts and reclamation districts at the
1 primary election. The county clerk or other official,
2 referred to in subsection (1) of this section, shall
3 place on the official ballot, on each office division,
4 twice as many names as there are places to be filled at
5 the general election. The names of such nonpolitical
6 candidates shall be the names of the persons who received
7 the highest number of votes for the office for which they
8 were candidates in the primary. If more than one person
9 was candidate for the same position in the primary, the

10 county clerk or other official, in preparing the official
11 ballot for the general election, shall place thereon the
12 names of the two persons who received the highest number
13 of votes in the primary for the position for which they
14 were candidates; but in no event shall the names on the
15 official ballot in each office division be more than
16 twice the number of offices to be filled at the general
17 election. When the name of a person is written in and
18 voted for as a candidate for any such position, who did
19 not file as aforesaid as a candidate for such nomination,
20 such person shall not be entitled to a certificate of
21 nomination at such primary election nor have his name
22 placed on the general election ballot unless he shall
23 have received at least the second highest number of votes
24 cast for such nomination and unless the number of votes
25 so received by him shall be at least five per cent of the
26 total vote cast for Governor or for President at the
27 preceding general election in the political division from
1 which nominees for such position are to be chosen.

2 (3) Petitions for the nomination of directors of
3 public power and irrigation districts or directors of
4 reclamation districts, the Attorney General, and for
5 members of the Legislature shall be filed in accordance
6 with the provisions of section 32-537 even though the
7 district to be represented by such officer may comprise
8 only one county or less than one county.

9 (4) The candidate or candidates receiving the
10 highest number of votes at the general election shall be
11 declared duly elected to the office or offices for which
12 they were candidates.

13 Sec. 3. That section 32-535, Revised Statutes
14 Supplement, 1973, be amended to read as follows:

15 32-535. The district county judges, members of
16 the State Board of Education, county superintendents,
17 district county superintendents, members of the
18 Legislature, the Attorney General, Regents of the
19 University of Nebraska, directors of public power and
20 irrigation districts and reclamation districts, all other
21 nonpartisan officers as created by law, and such members
22 of boards of education as provided by Chapter 79 and
23 candidates for public office of cities of the first and
24 second class and villages, shall be nominated regardless
25 of political affiliation in the following manner: At
26 least sixty days prior to the date of holding the general
27 primary election, all candidates for county judge,
1 members of the State Board of Education, county
2 superintendents, district county superintendents, members

3 of the Legislature, the Attorney General, Regents of the
4 University of Nebraska, directors of public power and
5 irrigation districts and reclamation districts, all other
6 nonpartisan officers as created by law and such members
7 of boards of education as provided by Chapter 79 and
8 candidates for public office of cities of the first and
9 second class and village, shall file with the officer,
10 whose duty it is to issue the certificate of election to
11 the aforesaid officers, an affidavit of such candidate,
12 in such form as the Secretary of State shall prescribe.
13 Such candidates may also be nominated by petition
14 as provided in section 32-504. All such candidates,
15 except for members of boards of education as provided by
16 Chapter 79 and candidates for public office of cities of
17 the first and second class and villages, shall also file
18 with the affidavit a receipt for the sum of the filing
19 fee signed by the county treasurer of the county in which
20 such person resides. The amounts so received by the
21 county treasurer from such candidates shall be used to
22 help defray the expense of the primary. The affidavits
23 filed by such candidates shall not in any way refer to or
24 designate the political affiliation of such candidates.
25 The petition form shall be prescribed by the Secretary of
26 State.

1 Sec. 4. That original sections 32-421.01,
2 32-424, and 32-535, Revised Statutes Supplement, 1973,
3 are repealed.

4 Sec. 5. Since an emergency exists, this act
5 shall be in full force and take effect, from and after
6 its passage and approval, according to law.”.

LEGISLATIVE BILL 819. Placed on General File as amended.
Standing Committee amendments to LB 819:

1. On page 2, line 23 to page 3, line 1 strike
the new matter and insert a new subsection (2) as follows:

“(2) The judges shall on July 1 of every odd-numbered
year by a majority vote select one of their number as presiding
judge for the next two years, who shall preside at all hearings
by the Court of Industrial Relations en banc, and shall assign
the work of the court to the several judges and perform such
other supervisory duties as the needs of the court may require.
A majority of the judges of the court shall constitute a quorum to
transact business, except where the statutes or a rule adopted
by the court permits one member to act. The act or decision
of any three of the judges thereof shall in all cases be deemed
the act or decision of the court. Where the statutes or rules
of the court provide for a hearing by one of the judges of the

court, the act or decision of such member of the court shall be deemed the act or decision of the court."

2. On page 5, strike lines 18 to 22 and show as stricken.

3. On page 4, line 3, after the period insert the following new material: "The clerk of the court shall administratively determine, prior to a hearing on the question of representation, the validity of the employee authorizations for representation by an employee labor organization."

4. On page 6, strike lines 9 to 11 and show as stricken and insert the following:
"in such manner as the court shall provide for serving a copy of the petition and notice of filing upon the adverse party. An employer or labor organization may be served by sending a copy of the petition filed to institute the proceedings and a notice of filing, which shall show the filing date, by any form of mail requiring a signed receipt, addressed to a principal officer at the usual place of activity of the employer or labor organization. Such employer or labor organization shall have twenty days after receipt of the petition and notice of filing in which to serve and file its response. When a petition is filed to resolve an industrial dispute, a hearing shall be held within sixty days from the date of filing thereof, and an order made and entered thereon within thirty days after such hearing."

5. On page 7, line 15, insert new sections 10 and 11 as follows:

"Sec. 10. That section 48-817, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-817. After the hearing and investigation the court shall make its findings and enter its order or orders in writing, which decision and order or orders shall be entered of record. ~~Such order or orders shall be in effect from and after the date therein fixed by the court, but no such order or orders shall be retroactive.~~ In the making of any findings or orders in connection with any such industrial dispute, the court shall give no consideration to any evidence or information which it may obtain or receive, except matters of which the district court might take judicial notice, unless such evidence or information is made a part of the record in said hearing and opportunity is given, after reasonable notice to all parties to the controversy, to rebut such evidence or information either by cross-examination or testimony.

Sec. 11. That section 48-818, Revised Statutes Supplement, 1972, be amended to read as follows:

48-818. The findings and order or orders may establish or alter the scale of wages, hours of labor, or conditions of

employment, or any one or more of the same. In making such findings and order or orders, the Court of Industrial Relations shall establish rates of pay and conditions of employment which are comparable not less than to the prevalent wage rates paid and conditions of employment maintained for the same or similar work of workers exhibiting like or similar skills under the same or similar working conditions; provided however, the Court of Industrial Relations shall establish rates of pay and conditions of employment which it finds necessary to assure the continuation of the governmental service involved, and shall consider all other efforts of the parties undertaken to resolve the dispute, including negotiations, mediation and fact-finding. In establishing wage rates the court shall take into consideration the overall compensation presently received by the employees, having regard not only to wages for time actually worked but also to wages for time not worked, including vacations, holidays, and other excused time, and all benefits received, including insurance and pensions, and the continuity and stability of employment enjoyed by the employees. Any order or orders entered may be modified on the Court's own motion or on application by any of the parties affected, but only upon a showing of a change in the conditions from those prevailing at the time the original order was entered."

6. On page 7, line 15 strike "and" and after "48-815," insert "and 48-817 and on line 17 add a comma after "48-804", strike the second "and" and after "48-813," insert "and 48-818,".

7. Renumber original sections 10 and 11 as 12 and 13 respectively.

LEGISLATIVE BILL 872. Placed on General File as amended. Standing Committee amendment to LB 872:

1. On page 2 line 5 strike "six" and insert "five"; and strike lines 6 to 8.

LEGISLATIVE BILL 948. Placed on General File as amended. Standing Committee amendment to LB 948:

1. On page 2, line 12 strike "one hundred fifty" and insert "fifty-sixty".

LEGISLATIVE BILL 1046. Placed on General File as amended. Standing Committee amendment to LB 1046:

1. On page 2, line 18 after "effort," insert "attempts"; strike line 19; and in line 20 strike "any calendar year".

(Signed) Ernest Chambers, Chairman

MOTION—Return LB 1028 to Select File

Mr. Schmit moved to return LB 1028 to Select File for the following specific amendment:

(1) In the Carpenter amendment appearing on page 961 of the Journal (March 6, 1974), in the last sentence of new section (3) following the language "pursuant to this act;" insert:

Provided, no person shall be prosecuted or be subjected to any penalty or forfeiture for, or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit or prosecution under this act, and, provided further that

strike term "provided" in printed amendment

The motion prevailed with 25 ayes, 2 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 1028. The Schmit specific amendment found in this day's Journal was adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1053. Mr. Carpenter requested the bill be read in full.

Mr. Chambers moved to suspend the rules to eliminate the reading of the bill in full.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 15:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
Chambers	Fowler	Johnson	F. Lewis	Luedtke
Murphy	Stahmer	Stull	Syas	Whitney

Voting in the negative, 25:

Carpenter	DeCamp	Dickinson	Duis	Epke
Fellman	Hasebroock	Kennedy	Keyes	Kremer
R. Lewis	Mahoney	Maresh	Marsh	Marvel
Moylan	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Warner

Not voting, 9:

F. Carstens	Clark	Goodrich	Kelly	Kime
Snyder	Stromer	Waldron	Wiltse	

The motion lost with 15 ayes, 25 nays and 9 not voting.

Mr. F. Lewis offered the following amendment:

Page 2, Sec. 3, lines 13 and 14, strike "who has satisfactorily performed his job".

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The F. Lewis amendment lost with 9 ayes, 18 nays and 22 not voting.

Mr. F. Lewis offered the following amendment:

Page 2 Line 17 after plan insert:

Any employee not performing satisfactorily shall cease to be an employee of the state

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?"

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The F. Lewis amendment lost with 9 ayes, 17 nays and 23 not voting.

SPEAKER PROUD PRESIDING

Mr. Marvel offered the following Standing Committee amendments:

- 1) On page 9, beginning with line 7, strike subsection (8) and insert the following:

"(8) Program No. 351 -- Vocational Rehabilitation:

The appropriation shown includes funds which shall be distributed to governmental agencies on a contractual basis. The figures shown reflect minimum amounts which shall be made available to the indicated agencies. The contracts for the agencies and programs shown shall not require certification of matching expenditures in excess of the amounts shown.

In compliance with the Federal Rehabilitation Act of 1973, the following allocations of federal funds provided for Vocational Rehabilitation activities reflect the priorities for services to the severely handicapped in the State of Nebraska for the period of July 1, 1974, to June 30, 1975.

Priority No. 1. The Division of Vocational Rehabilitation shall expend no less than \$2,000,000 for services to severely physically handicapped; Included in the amount shown is \$1,000,000 for case services, which amount shall not be expended for any other purpose.

Priority No. 2. The Division of Vocational Rehabilitation shall provide no less than \$475,000 federal funds for services to the Mentally Retarded as follows:

(a) For Beatrice State Home \$200,000 federal funds and Beatrice State Home shall certify \$175,000 General Fund matching expenditures; and

(b) For the Regional Offices of Mental Retardation and their programs \$275,000 federal funds and \$70,000 of matching expenditures to be certified.

Priority No. 3. The Division of Vocational Rehabilitation shall provide \$780,000 federal funds for the treatment of the mentally ill as follows:

(a) Nebraska Psychiatric Institute shall receive \$180,000 federal funds and certify \$45,000 general fund matching expenditures;

(b) There shall be available to the Regional Centers, \$270,000 federal funds and the Regional Centers shall certify matching expenditures of \$70,000;

(c) Community mental health centers shall receive a total of \$330,000 federal funds and certify matching expenditures of \$85,000.

Priority No. 4. The Division of Vocational Rehabilitation shall provide no less than \$666,000 federal funds for the rehabilitation of the public offender as follows:

(a) The penal complex shall receive \$582,000 federal funds and certify matching expenditures of \$145,500; and

(b) The State Reformatory for Women shall receive \$84,000 federal funds and certify matching expenditures of \$21,000.

Priority No. 5. Any additional funds available may be expended at the discretion of the Director of the Division of Vocational Rehabilitation.

The contract for service agreements with the designated agencies shall be completed on or before August 15, 1974.

The Division of Vocational Rehabilitation shall provide a report on December 1, 1974, to the Governor and the Legislature.

Such report shall include the following:

(a) The projected use of all funds appropriated to the Division of Vocational Rehabilitation;

(b) The identification and projected expenditure of all funds utilized in programs receiving financial assistance from the Division of Vocational Rehabilitation;

(c) A summary of expenditures for the 1973-74 fiscal year of the Division of Vocational Rehabilitation and cooperating agencies to reflect:

(i) The number of persons served by each program;

(ii) Type of handicap of clients served;

(iii) Services provided; and

(iv) The cost of providing each type of service; and

(d) A description of any deviations from the allocations shown and a detail explanation for such occurrence.

The Division of Vocational Rehabilitation shall assign the required number of counselors, fiscal agents or other authorized persons to each of the contracting agencies to assist the agencies in complying with all rules and regulations applicable to the expenditure of such funds. Such representative shall serve as a technical assistant to the agency. The number of such employees shall be limited to (1) two individuals each for (a) Nebraska Penal and Correctional Complex, (b) Beatrice State Home, and (c) each participating regional Office of Mental Retardation; and (2) one each for (a) State Reformatory for Women, (b) Nebraska Psychiatric Institute, (c) each participating community mental health center, and (d) each Regional Center. The salaries for such individuals shall be paid from the funds designated for use by the agencies shown.

A state plan showing the use of state, federal, and local resources for the delivery of comprehensive vocational rehabilitation services to Nebraska's handicapped citizens shall be submitted with the Department of Education's 1975-76 budget request. Such plan shall include (a) long-term objectives to be accomplished, (b) 1975-76 objectives to be accomplished, (c) methods of accomplishing the objectives, (d) the role of the Division of Vocational Rehabilitation in providing and purchasing services, (e) the 1975-76 budget request to implement the state plan, and (f) proposals for the implementation of an evaluation system to measure accomplishment of the stated objectives, through specific performance criteria. The state plan shall be written to insure that maximum flexibility is provided to enable the Legislature to direct the use of the Division of Vocational Rehabilitation funds to meet priorities established by the Legislature.

The client placement activities of the Division of Vocational Rehabilitation shall be coordinated with the Department of Labor to maximize the utilization of the services of the Employment Security Division. The unexpended Cash Fund balances existing on June 30, 1974, are hereby reappropriated.

GENERAL FUND	374,306
CASH FUND	18,000
FEDERAL FUND est.	5,346,494
PROGRAM TOTAL	5,738,800"

2) On page 16, after line 3, insert the following: "There is included \$25,000 General Funds for the purchase of graphic material to be used as instructional aids in showing to school youth the deleterious effects of smoking, drinking, and usage of drugs. Such material shall be distributed throughout the state." On page 16, line 6, strike "695,607" and insert "720,607"; on line 9, strike "18,309,691" and insert "18,334,691"; and on line 27, strike "55,057,243" and insert "55,082,243"; on page 17, line 6, strike "100,559,922" and insert "100,584,922".

3) On page 22, line 7, strike "1,339,442" and insert "1,337,422".

4) On page 24, on line 6, insert before the semicolon ", State Aid Bridge Fund".

The Standing Committee amendments are pending.

MESSAGE FROM THE GOVERNOR

March 19, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 654, 676, 689, 723, 768, 807, 864, 881, 965, 966, 974, 991, 992, 993, 994, 1013, 1014, and 1025.

These bills were signed by me on March 19, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 782. Replaced on Select File as amended.
E & R amendment to LB 782:

1. In E & R 1 adopted 3/13, line 3, strike "in jail" and in lines 3 and 4 strike "after 'persons' " and insert "before 'prior' ".

LEGISLATIVE BILL 1028. Replaced on Select File as amended.
E & R amendments to LB 1028:

1. In renumbered section 6, strike E & R amendments to lines 49 to 51; and insert the new matter of the Schmit amendment adopted 3/20 after the semicolon in line 51; and in line 51 strike "Provided,".

2. In the new matter of the Schmit amendment adopted 3/20, line 2, strike the comma; in line 6 strike the last comma and insert an underscored semicolon; and in line 7 strike the comma and insert an underscored comma after "further".

3. In the title, as amended, strike line 5 and "penalties;" in line 6.

(Signed) John J. Cavanaugh, Chairman

VISITORS

President Marsh introduced 12 junior and senior students and their teacher from Cathedral High, Omaha, Nebraska, and 57 members of the Tabor College Choir and their director from Hillsboro, Kansas.

ADJOURNMENT

At 3:57 p.m., on a motion by Mr. Syas, the Legislature adjourned until 9:00 a.m., Thursday, March 21, 1974.

Vincent D. Brown
Clerk of the Legislature

FORTY-EIGHTH DAY—MARCH 21, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 21, 1974

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett Hezmall, Associate Pastor of the Westminster Presbyterian Church.

O God, our Father, we thank You for everything which keeps us right.

For those who set us a good example, who give us good advice and kindly rebuke when we need it.

As we sit in these chambers of law, keep us O God, mindful that we serve the highest and best interests of our own constituency when we serve the interests of the whole state.

Keep us, O Lord, from indecision that cannot say Yes or No! Soften our spirits with your divine grace, that we might be saved from demanding of others that which we ourselves are reluctant to fulfill.

We thank you, Gracious God our Father, for stalwart men and for the gifts of spirit in them which remind us of Jesus. Help us more and more to be like Him—in Wisdom, in character, and in love.

Guide each legislator in working out effective solutions to difficult problems, that he may receive the insight of Your wisdom, and that each one's differences shall be absolved in charity. Grant this, O Lord, according to Your Will. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Clark who was excused, F. Lewis who was excused until he arrives and Mr. Cavanaugh who was absent until 10:15 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1211, Line 5, insert "Re-" before Engrossment.

The Journal for the Forty-seventh Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 21, 1974, at 8:25 a.m., were the following: LB 679, LB 824, LB 832, LB 882, LB 886, LB 909 and LB 911.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly re-engrossed: 790 and 1024.

The following bills were correctly engrossed: 499, 499A, 789, 921 and 995.

Correctly Enrolled

The following bills were correctly enrolled: 625, 788, 949 and 1011.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 625, 788, 949 and 1011.

MOTION—Suspend Rules

Speaker Proud moved to suspend the rules to go directly to General File to consider appropriation bills, except for any pending motions that have to be taken up today.

Mr. Richendifer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The Proud motion lost with 12 ayes, 22 nays and 15 not voting.

MESSAGES FROM THE GOVERNOR

March 20, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature

State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am hereby returning LB 647 without my signature and with my objections.

LB 647 provides that the Supreme Court shall prescribe uniform salary schedules for the court reporters of Nebraska's district and juvenile courts. In direct conflict with this provision is LB 162 passed by your body in the current session. Under LB 162, the salaries of these court reporters were raised by the Legislature from \$12,500 to \$14,000 per year. The problem is created by the fact that LB 647 does not repeal LB 162.

If LB 647 were passed into law, a very confusing situation would be created because of the direct conflict between these two provisions. By vetoing LB 647, the confusion will be eliminated and the power to adjust the salaries of court reporters will remain with the Legislature. I think this is entirely appropriate for the power to continue in the Legislature, especially in light of the \$1,500 raise given the court reporters under LB 162.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 293.

A BILL FOR AN ACT to adopt the Uniform Residential Landlord and Tenant Act; to provide summary proceedings for possession; to amend section 24-568, Revised Statutes Supplement, 1972; to provide an operative date; to provide a savings clause; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	DeCamp	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Kelly

Keyes	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Proud	Richendifer	Savage	Simpson	Skarda
Snyder	Stahmer	Stromer	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 5:

Dickinson	Kennedy	Nore	Rasmussen	Stull
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Not voting, 6:

Cavanaugh	Clark	Johnson	Kime	F. Lewis
Schmit				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 327. Mr. Waldron moved to bracket the bill. The motion lost with 9 ayes, 29 nays and 11 not voting.

With Emergency.

A BILL FOR AN ACT to amend sections 87-301, 87-302, 87-304, 87-305, and 87-306, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Deceptive Trade Practices Act; to define terms; to make certain acts unlawful; to provide for procedures, enforcement, and remedies; to provide penalties; to provide for pending actions or appeals; to provide severability; to repeal the original sections, and also Chapter 69, article 14, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	DeCamp	Dickinson	Duis	Epke
Fellman	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Kime	Kremer	Maresh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Savage	Schmit	Skarda	Snyder	Stromer
Stull	Warner	Whitney	Wiltse	

Voting in the negative, 9:

Chambers	Fowler	R. Lewis	Luedtke	Mahoney
Marsh	Richendifer	Simpson	Syas	

Not voting, 6:

Cavanaugh
Waldron

Clark

Keyes

F. Lewis

Stahmer

A constitutional two-thirds having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 354. Mr. F. Carstens moved to return LB 354 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Waldron moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays and 15 not voting.

Mr. Waldron moved for a Call of the House. The motion prevailed with 23 ayes, 5 nays and 21 not voting.

The Call showed 45 members present.

Mr. Carpenter moved the Call be raised. The motion prevailed with 21 ayes, 10 nays and 18 not voting.

The F. Carstens motion lost with 20 ayes, 19 nays and 10 not voting.

LEGISLATIVE BILL 354.

A BILL FOR AN ACT to adopt the Nebraska Probate Code; to provide an operative date; and to repeal sections 8-136, 21-1797, 21-1798, and 40-117, Reissue Revised Statutes of Nebraska, 1943, sections 24-606 to 24-618, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, sections 25-21,168 to 25-21,179, Revised Statutes Supplement, 1972, section 8-410.01, Revised Statutes Supplement, 1973, all of Chapter 30, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, except sections 30-103.01, 30-104, 30-121 to 30-128, 30-238 to 30-243, 30-333, 30-809, and 30-810, and article 16, and all of Chapter 38, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, except sections 38-101, 38-114 to 38-117, and 38-509, and articles 10 and 11.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Anderson	Barnett	Carpenter	Cavanaugh	Chambers
DeCamp	Epke	Fellman	Fowler	Goodrich
Keyes	F. Lewis	Luedtke	Mahoney	Marsh
Moylan	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	

Voting in the negative, 15:

Burbach	C. Carsten	F. Carstens	Duis	Johnson
Kelly	Kennedy	Kime	Kremer	R. Lewis
Maresh	Marvel	Nore	Whitney	Wiltse

Not voting, 5:

Clark	Dickinson	Hasebroock	Murphy	Proud
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A constitutional majority having voted in the affirmative, the bill was declared pass and the title agreed to.

LEGISLATIVE BILL 614. With Emergency.

A BILL FOR AN ACT to amend section 32-1134, Revised Statutes Supplement, 1973, relating to corrupt practices; to make it unlawful to give or accept cash as a campaign contribution except as prescribed; to provide for penalties; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Savage	Schmit	Simpson	Skarda
Stromer	Stull	Warner	Wiltse	

Voting in the negative, 12:

Kennedy	Keyes	R. Lewis	Murphy	Nore
Proud	Rasmussen	Richendifer	Snyder	Stahmer
Syas	Whitney			

Not voting, 3:

Clark	Kime	Waldron
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 629. With Emergency.

A BILL FOR AN ACT to amend section 31-740, Revised Statutes Supplement, 1973, relating to sanitary and improvement districts; to provide for the approval of improvement plans as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Clark	R. Lewis	Waldron
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause.

LEGISLATIVE BILL 660.

A BILL FOR AN ACT relating to the Nebraska Commission on Aging; to define terms; to authorize the commission to receive and expend state and federal funds for assisting local government providing transportation services for the elderly as prescribed; to amend section 68-1105, Reissue Revised Statutes of Nebraska, 1943; to correct a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	F. Carstens	Cavanaugh
Chambers	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Carpenter	C. Carsten	Clark	Waldron	Whitney
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 733. With Emergency.

A BILL FOR AN ACT to amend sections 24-541, 25-1901, and 29-614, Revised Statutes Supplement, 1972, relating to appellate review of county court actions; to eliminate petition in error proceedings; to correct a cross reference; to establish procedures for review of juvenile cases; to repeal the original sections, and also sections 25-1909 and 25-1910, Revised Statutes Supplement, 1972; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Clark	R. Lewis	Waldron
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 755.

A BILL FOR AN ACT to amend sections 30-217, 30-331, 30-401, 30-603, 30-604, and 30-1413, Reissue Revised Statutes of Nebraska, 1943, and sections 30-103 and 30-341, Revised Statutes Supplement, 1972, relating to decedents' estates; to increase allowance and defeasible right to personal property; to provide for the setting of hearings; to shorten time periods in estate proceedings; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Clark Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 808. With Emergency.

A BILL FOR AN ACT to amend section 48-162.01, Revised Statutes Supplement, 1972, and section 48-121, Revised Statutes Supplement, 1973, as amended by section 1, Legislative Bill 807, Eighty-third Legislature, Second Session, 1974, relating to workmen's compensation; to create the Vocational Rehabilitation Fund and provide its source and use; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Clark Richendifer Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 812.

A BILL FOR AN ACT to amend section 79-1819, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to extend regulation to schools of modeling; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	DeCamp	Dickinson	Duis
Fellman	Fowler	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Mareh	Marsh
Marvel	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Warner	Whitney			

Voting in the negative, 0.

Not voting, 7:

Anderson	Clark	Epke	Goodrich	Moylan
Waldron	Wiltse			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 815. With Emergency.

A BILL FOR AN ACT relating to crimes and punishments; to define and prohibit obscene acts as prescribed; to provide penalties; to provide civil remedies; to provide for exclusion regulation; to provide severability; to repeal sections 28-921.01, 28-922, 28-923, and 28-925 to 28-926.08, Reissue Revised Statutes of Nebraska, 1943, and sections 28-921, 28-926.09, and 28-926.10, Revised Statutes Supplement, 1972; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	DeCamp	Dickinson	Duis	Fellman
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 2:

Chambers Fowler

Not voting, 7:

Barnett	Clark	Epke	Johnson	Marsh
Proud	Waldron			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 821. Mr. Stull moved to return LB 821 to Select File for a specific amendment. (Amendments printed separate from the Journal and on file in Clerk's office). The motion prevailed with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 865.

A BILL FOR AN ACT to amend section 37-104, Revised Statutes Supplement, 1972, relating to game and fish; to provide for establishing and administering a mandatory hunter safety training program for persons under the age of sixteen years; to provide lawful hunting by persons under sixteen years as prescribed; to provide for regulation of antelope hunting; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
Chambers	DeCamp	Dickinson	Duis	Fellman
Fowler	Goodrich	Hasebroock	Kelly	Keyes

Kime	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Proud	Savage	Schmit	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 3:

Kremer Rasmussen Simpson

Not voting, 9:

Carpenter	F. Carstens	Clark	Epke	Johnson
Kennedy	Mahoney	Richendifer	Waldron	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT—Print Amendment to LB 922 in Journal

Mr. Stahmer asked unanimous consent to print the following amendment to LB 922 in the Journal. No objections. So ordered.

Amendments to LB 922

1. On page 2, line 10 after the period insert:

“In connection with his duties, but at his discretion, the Auditor of Public Accounts may conduct performance audits of all political subdivisions receiving more than twenty-five thousand dollars in the audit year in tax funds from the state including all public utilities and all counties, townships, municipalities, cities, villages, districts, authorities, and other public corporations and entities.”.

UNANIMOUS CONSENT—Expedite Bills

Mr. Carpenter asked unanimous consent to expedite all bills read on Final Reading from now on. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. Waldron asked unanimous consent to be excused until Monday. No objections. So ordered.

RECESS

At 11:55 a.m., on a motion by Mr. Syas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Proud presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark and Waldron who were excused; Mr. Skarda and Mrs. Marsh who were excused until they arrive, and Mr. Chambers who was absent until 2:10 p.m.

PRESIDENT MARSH PRESIDING**LEGISLATIVE BILL 997. With Emergency.**

A BILL FOR AN ACT making appropriations for certain agencies of state government for the period July 1, 1974 to June 30, 1975; to make an appropriation for the period July 1, 1975 to June 30, 1976; to recite limits and conditions on the expenditures of funds from the appropriations so made; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marvel	Moylan	Murphy	Proud	Rasmussen
Richendifer	Savage	Simpson	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Anderson	Chambers	Clark	Marsh	Nore
Schmit	Skarda	Waldron		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 865A. Laid over at the request of Mr. Anderson.

LEGISLATIVE BILL 897. Laid over temporarily at the request of Mr. Syas.

LEGISLATIVE BILL 905.

A BILL FOR AN ACT to amend sections 23-2309, 79-1532, and 84-1310, Reissue Revised Statutes of Nebraska, 1943, sections 24-706 and 60-458, Revised Statutes Supplement, 1972, and sections 23-2301, 24-701, 24-707, and 84-1301, Revised Statutes Supplement, 1973, relating to retirement; to define terms; to change definitions; to change the manner the employee account shall be computed; to change the amount returned when service is terminated prior to retirement or in the event of death; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	DeCamp	Dickinson	Duis
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Nore	Proud
Richendifer	Savage	Simpson	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Chambers	Clark	Epke	Marvel	Rasmussen
Schmit	Skarda	Waldron		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 942. With Emergency.

A BILL FOR AN ACT to amend section 77-202.22, Reissue Revised Statutes of Nebraska, 1943, and section 77-202.15, Revised Statutes

Supplement, 1973, relating to the homestead tax exemption; to eliminate a requirement for the annual filing of claim; to change procedures for state payments to taxing agencies; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	DeCamp	Dickinson	Duis
Epke	Fellman	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Snyder	Stahmer	Stromer	Stull	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Chambers	Clark	Fowler	Keyes	Skarda
Waldron	Whitney			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 951. With Emergency.

A BILL FOR AN ACT to amend section 25-314, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to clarify provisions for service of process on certain organizations; to require filing statements of change with the Secretary of State; to provide fees; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	DeCamp	Dickinson	Epke

Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Kime	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Chambers	Clark	Duis	Keyes	F. Lewis
Skarda	Waldron	Whitney		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 961. With Emergency.

A BILL FOR AN ACT to amend section 42-358, Revised Statutes Supplement, 1972, relating to husband and wife; to provide for the appointment of attorneys to initiate contempt of court proceedings for the collection of delinquent child support payments; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
Chambers	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Snyder	Stahmer	Stromer	Stull	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Carpenter	F. Carstens	Clark	Keyes	Skarda
Waldron	Whitney			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1007.

A BILL FOR AN ACT to amend sections 23-322, 23-324.01, and 23-324.05, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to provide for a purchasing agent in counties having one hundred fifty thousand inhabitants; to prescribe duties of the county clerk in such counties; to change provisions relating to competitive bidding as prescribed and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
Chambers	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Nore	Rasmussen
Richendifer	Savage	Schmit	Simpson	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Carpenter	F. Carstens	Clark	Marvel	Proud
Skarda	Waldron	Whitney		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1015.

A BILL FOR AN ACT to amend sections 42-354, 42-357, 42-363, 42-364, and 42-365, Revised Statutes Supplement, 1972, relating to divorce and alimony; to change the answer date; to clarify provisions; to provide a sixty-day period before hearing; to provide standards for the custody and support of children; to provide alimony considerations; to provide wage withholding under prescribed procedures; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Chambers	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Snyder	Stahmer	Stull	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Carpenter	Clark	Mahoney	Skarda	Stromer
Waldron	Whitney			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 897. Mr. Maresh asked unanimous consent to bracket the bill until Monday, March 25. No objections. So ordered.

MOTION—Suspend Rules

Mr. Duis moved to suspend the rules to take up the Final Reading bills set for tommorrow. The motion lost with 26 ayes, 11 nays and 12 not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 602, 710, 826A, 1003 and 1004.

Correctly Enrolled

The following bills were correctly enrolled: 293, 327, 354, 614, 629, 660, 733, 755, 808, 812, 815 and 865.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 293, 327, 354, 614, 629, 660, 733, 755, 808, 812, 815 and 865.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 693. Placed on General File as amended.

Standing Committee amendments to LB 693:

2 1. Insert a new section 1 to read as follows:
3 "Section 1. That section 23-343.14, Reissue
4 Revised Statutes of Nebraska, 1943, be amended to read as
5 follows:

6 23-343.14. All claims against such facility or
7 facilities as provided by section 23-343, may be paid by
8 warrants, duly drawn on the treasurer of such facility or
9 facilities, signed by the superintendent and
10 countersigned by the chairman and secretary of the board
11 of trustees. When such warrants have been issued and
12 delivered, they may be presented to the treasurer of such
13 facility or facilities, and, if such be the fact,
14 endorsed not paid for want of funds. Such warrants shall
15 be registered by the treasurer of such facility or
16 facilities in the order of presentation. They shall draw
17 interest at the a rate of not to exceed seven per cent
18 per annum from the date of registration thereof. All
19 warrants issued before the effective date of this act at
20 a stated interest rate of less than seven per cent shall
21 be valid and binding for the purposes for which such
22 warrants were issued."

23 2. On page 4, strike lines 17 and 18 and insert
24 "and, any hospital authority which has established or
25 acquired a hospital may also".

1 3. Insert a new section 3 to read as follows:
2 "Sec. 3. That section 23-343.100, Revised
3 Statutes Supplement, 1972, be amended to read as follows:

4 23-343.100. The principal and interest on such
5 bonds shall be payable exclusively from the income and
6 revenue of the facilities purchased, constructed,
7 altered, renovated, remodeled, furnished and equipped
8 with the proceeds of such bonds or with such proceeds
9 together with the proceeds of a grant from the federal
10 government to aid in financing, furnishing or equipping
11 thereof; Provided, that an authority may, in its
12 discretion, also pledge to the payment of the principal
13 and interest on any such bonds all or any part of the
14 income and revenue derived from the operation of any or
15 all of the other facilities then ~~or at any time~~

16 ~~thereafter~~ owned or operated by it; and provided further,
17 that an authority may in its discretion, also expressly
18 provide that any such bonds shall be general obligations
19 of the authority payable out of any revenue, income,
20 receipts, profits, or other money or funds of the
21 authority derived from any source whatsoever. Such bonds
22 may be additionally secured by a trust indenture."
23 4. On page 5, line 19 after "section" insert
24 "23-343.14, Reissue Revised Statutes of Nebraska, 1943,
25 and sections"; after "23-343.92" insert "and 23-343.100";
26 and in line 20 strike "is" and insert "are".
1 5. Renumber original sections 1, 2, and 3 as
2 sections 2, 4, and 5, respectively.

(Signed) Thomas C. Kennedy, Chairman

EXPLANATION OF VOTE

If I had been present I would have voted aye on LB 997.

(Signed) Shirley Marsh

MESSAGE FROM THE GOVERNOR

March 20, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 984.
This bill was signed by me on March 19, 1974 and delivered to the
Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Member Excused

Mr. Moylan asked unanimous consent to be excused Friday, March 22. No
objections. So ordered.

UNANIMOUS CONSENT—Bracket LB 1026

Mr. Snyder asked unanimous consent to bracket LB 1026 for discussion on General File for Monday, March 25 and print the proposed amendments in the Journal.

Mr. Carpenter objected.

Mr. Snyder moved to bracket LB 1026 on General File for Monday, March 25 and print the proposed amendments in the Journal.

Mr. Goodrich moved to amend the Snyder motion to put LB 1026 after all of the underlined bills. The motion prevailed. The motion as amended prevailed.

Proposed Amendments to LB 1026 by Mr. Snyder

1. Strike Sections 1 and 2 and insert the following:

"Section 1. That section 18-117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-117. All ordinances relating to the immediate preservation of public peace or health or items of appropriation of money for current expenses of the several departments of such city, which do not exceed the corresponding appropriations of the preceding year, shall, by a unanimous yeas and nays vote of such city council and the approval of the mayor, be deemed to be urgent ordinances, to which sections 18-112 to 18-116 shall not apply; Provided, that sections 18-112 to 18-116 shall not apply to the following:

(1) Ordinances in furtherance of or carrying out a policy of the city or relating to projects previously established or approved by an ordinance which itself was subject to sections 18-112 to 18-116 or which may have been approved by the voters at an election.

(2) Ordinances relating to the acquisition, construction, installation, improving and enlarging, including the financing or refinancing of the costs of public ways, public property, utility systems and other capital projects, including industrial development projects.

(3) Ordinances establishing or changing utility system rates and charges and pay rates and salaries for city employees other than the mayor and city council.

(4) Ordinances taking action as to which the statutes applicable thereto provide other means or procedures for voters or persons interested to object to the action taken or proposed.

Sec. 2. That section 18-119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-119. The word ordinance, where used in sections 18-101 to 18-130 shall mean and include ordinances, orders, resolves, agreements, contracts, and any measure which it is within the power of the legislative authorities of such city or other municipal subdivision of this state to enact or give the force and effect of law.

The word city where used in said sections shall mean and include city, ~~county~~, village, town, ~~school district~~ or any other municipal subdivision of this state.

The phrase mayor and city council or city council, where used in said sections, shall mean and include the legislative authority of any such city, ~~county~~, village, town, ~~school district~~ or other municipal subdivision of this state.

The word voters where used in said sections shall mean persons who are qualified to vote for the respective legislative authorities of the jurisdiction governed or to be governed by any such ordinance sought to be enacted, altered or repealed by such persons.

Sec. 3. That section 18-127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-127. Any clerk of such city, ~~county~~, town or ~~school district~~ or other municipal subdivision of the State of Nebraska, who fails, neglects or refuses to comply with the provisions of sections 18-101 to 18-130 shall be punished by a fine not exceeding five thousand dollars."

Sec. 4. That original sections 18-117, 18-119 and 18-127 Reissue Revised Statutes of Nebraska, 1943, are repealed."

2. Renumber Sec. 3 as Sec. 5.

RESOLUTIONS

LEGISLATIVE RESOLUTION 131.

Introduced by Public Health and Welfare Committee, Kennedy, 21st District, Chairman.

WHEREAS, the several fields of allied health personnel contribute much to the comprehensive provision of health services to the citizens of Nebraska; and

WHEREAS, the State of Nebraska has an interest in assuring the competency and maintaining a central registry of individuals engaged in the allied health occupations; and

WHEREAS, various organizations of allied health occupations have recently shown a commendable interest and desire to upgrade the competency and performance of persons engaged in these occupations; and

WHEREAS, the people of Nebraska would be well served by a state level unified method of approach to licensure or certification and regulation of the various allied health occupations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That an ad hoc study committee shall be formed to consider the matter of certification or licensure and regulation of medical technologists and radiological technologists and to report their recommendations for unified legislation in this area to the Public Health and Welfare Committee of the Nebraska Legislature.

2. That the committee shall consist of one representative each of the Nebraska State Medical Association, the Nebraska Hospital Association, the Bureau of Examining Boards of the Department of Health, and two representatives each from the actively employed medical technologists and actively employed radiological technologists in the state.

3. The committee shall begin work at once and shall on a rotating basis meet with representatives of each of the allied health occupations to solicit their thinking and comments with respect to certification and regulation.

4. The committee shall by August 1, 1974, complete a first draft of suggested legislation and shall give each of the occupational groups originally contacted, as well as other interested organizations and individuals, the opportunity to review and comment on the proposed draft.

5. After giving full consideration to all reasonable comments received, the committee shall complete and submit a final draft of suggested legislation to the Public Health and Welfare Committee by October 1, 1974. The committee will use the information submitted as the basis for the introduction of a uniform health occupations certification act to be introduced in the First Session of the Eighty-Fourth Nebraska Legislature. Referred to the Executive Board.

UNANIMOUS CONSENT—Bracket LB 705

Mr. Chambers asked unanimous consent to bracket LB 705 on General File for Tuesday, March 26.

Mr. Carpenter objected.

Mr. Chambers moved to bracket LB 705 until Tuesday, March 26.

Mr. Goodrich moved to amend the Chambers motion to place LB 705 after LB 1026 on General File.

The Goodrich amendment lost with 5 ayes, 14 nays and 30 not voting.

The Chambers motion lost with 6 ayes, 17 nays and 26 not voting.

UNANIMOUS CONSENT—Members Excused

Mr. Syas asked unanimous consent to be excused Friday, March 22. No objections. So ordered.

Mr. F. Lewis asked unanimous consent to be excused Friday, March 22. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 960. E & R amendments found in the Journal on page 1216 for the Forty-seventh Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 861. E & R amendments found in the Journal on page 1216 for the Forty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 692. E & R amendments found in the Journal on page 1217 for the Forty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 782. E & R amendment found in the Journal on page 1234 for the Forty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1028. E & R amendments found in the Journal on page 1234 for the Forty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 821. The Stull specific amendment referred to in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 821 to Select File

Mr. Dickinson moved to return LB 821 to Select File for the following specific amendment:

1. On page 11, line 20, after the period insert
“Any owner who has three or more motor vehicles required to be registered under the provisions of this act may register all such vehicles on a calendar-year basis.”.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 821. The Dickinson specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 826 to Select File

Mr. DeCamp moved to return LB 826 to Select File for the following specific amendment:

1. In the final reading bill, page 10, strike beginning with "no" in line 4 through "with" in line 5, showing all old matter as stricken, and insert "such home or vehicle shall comply with"; strike lines 8 to 10, showing all old matter as stricken, and insert "promulgated by any municipality of the state if such codes are as stringent as the codes provided by the department pursuant to sections 71-4601 to 71-4609. If the codes promulgated by the municipality are not as stringent as the codes provided by the department, the codes of the department shall prevail.".

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 826. The DeCamp specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 782 to Select File

Mr. Fellman moved to return LB 782 to Select File for the following specific amendment:

1. Strike the Fellman select file amendment.

2. Add two new sections to read as follows:

"Sec. 8. All persons in the custody of the county sheriff pursuant to this act shall have reasonable access to the personnel of the division of corrections. Such personnel shall conduct interviews of such persons and provide assistance, counseling, and various educational and rehabilitation programs for such persons.

Sec. 9. The sheriff may, as he deems necessary, assign any special deputies provided by section 84-806.01 to the division of corrections for purposes of training."

3. Renumber sections 8 and 9 as sections 10 and 11.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 782. The Fellman specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Members Excused

Speaker Proud asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

Mr. R. Lewis asked unanimous consent to be excused Friday, March 22. No objections. So ordered.

MOTION—Reconsider Action on LB 870

Mr. Mahoney renewed his pending motion found in the Journal on page 1121 for the Forty-fourth Day to reconsider action on LB 870 to indefinitely postpone.

Mr. Rasmussen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay and 21 not voting.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 26 ayes, 9 nays and 14 not voting.

The Call showed 43 members present.

Mr. Rasmussen moved the call be raised. The motion prevailed with 20 ayes, 18 nays and 11 not voting.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 21:

Carpenter	F. Carstens	Cavanaugh	Chambers	Fellman
Fowler	Goodrich	Keyes	F. Lewis	Luedtke
Mahoney	Marsh	Moylan	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Syas				

Voting in the negative, 21:

Barnett	Burbach	C. Carsten	Dickinson	Duis
Epke	Hasebroock	Johnson	Kennedy	Kime
Kremer	R. Lewis	Mares	Marvel	Murphy
Nore	Rasmussen	Stromer	Stull	Warner
Whitney				

Not voting, 7:

Anderson	Clark	DeCamp	Kelly	Proud
Waldron	Wiltse			

The motion lost with 21 ayes, 21 nays and 7 not voting.

Mr. Barnett requested his vote be changed from "aye" to "nay" for purposes of reconsideration.

Mr. Barnett asked unanimous consent to move to reconsider action on LB 870.

Mr. Rasmussen objected.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 21, 1974, at 3:00 p.m. were the following: LB 625, LB 788, LB 949, LB 1011, LB 293, LB 327, LB 354, LB 614, LB 629, LB 660, LB 733, LB 755, LB 808, LB 812, LB 815, and LB 865.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 905, 942, 951, 961, 997, 1007 and 1015.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 905, 942, 951, 961, 997, 1007 and 1015.

MOTION—Return LB 1028 to Select File

Mr. Waldron moved to return LB 1028 to Select File to strike the contents and insert the contents of LB 326. Motion pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 132.

Introduced by Chambers, 11th District.

WHEREAS, the legal profession has recently come under criticism from various sources; and

WHEREAS, such criticism has raised questions as to the capacity and capability of the legal profession to adequately represent the citizens of the state; and

WHEREAS, the capabilities of the members of the legal profession are directly related to the education and examination of such members.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a subcommittee be created which shall be a subcommittee of the Judiciary Committee to conduct an interim study of the legal profession in the state such study to include all aspects of such profession specifically including:

a. Whether a bar examination should be required for all or any law college graduates;

b. Whether all active Nebraska lawyers should be required to take periodic examinations;

c. Whether there should be recognized law specialists, and if so, should they be required to take special examinations or have special qualifications;

d. Whether all active Nebraska lawyers should be required to engage in continuing legal education and submit evidence of continuing legal growth and development;

e. Whether Nebraska judges should be required to engage in continuing legal education and submit evidence of it;

f. Whether Nebraska law colleges are adequately preparing students to be lawyers;

g. Whether a system similar to that in England should be established to develop a separate group of barristers for trial practice;

h. Whether a distinct certification process should be implemented to separate, train and certify lawyers who are able competently to try cases;

i. Whether membership in the Nebraska Bar Association should be compulsory for all lawyers;

j. Whether compulsory membership in the NBA should be limited strictly to licensing and continuing qualification to practice law;

k. Whether compulsory membership in the NBA should be limited as to its political or other activities; and

1. Whether legislation or constitutional amendments may be needed to accomplish changes which this study may determine to be desirable.

2. That the subcommittee report the results of the study and its recommendations to the Eighty-fourth Legislature, First Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 133.

Introduced by Carpenter, 48th District.

A Resolution to propose an amendment to Article VII, section 10 of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. The general government of the University of Nebraska as it now exists and the four year state educational institutions at Kearney, Nebraska and Wayne, Nebraska, together with such other four year educational institutions as may be designated by law, shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided. Their terms of office shall be for six years each. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

The general government of all state colleges and technical community colleges not vested in the Board of Regents of the University of Nebraska shall be vested, under the direction of the Legislature, in a board of six members to be styled as designated by the Legislature, the board members shall be appointed by the Governor, with the advice and consent of the Legislature, two each for a term of two, four, and six years, and two each biennium thereafter for a term of six years. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein.

Article VII, section 13 of the Constitution of Nebraska is hereby repealed."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide for the general government of the University of Nebraska, Kearney State College and Wayne State College under The Board of Regents of the University of Nebraska and the general government of the other state colleges and technical community colleges under the Board of Trustees of the Nebraska State Colleges.
For
Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

REFERENCE COMMITTEE REPORT

LR	Committee
LR 133	Cons. Rev. & Rec.

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARING Constitutional, Revision and Recreation

LR 133 Thursday, March 28, 1974

12:45 p.m.

(Signed) George Syas, Chairman

UNANIMOUS CONSENT-Print Amendments to LB 1057 in the Journal

Mr. Nore asked unanimous consent to print amendments to LB 1057 in the Journal. No objections. So ordered.

Amendments to LB 1057

1) On page 2, after line 13, insert the following:

"Included in the appropriations in programs 311 through 316 is \$50,000, which is proportioned to each institution according to the percentage that its institutional full-time equivalent enrollment is of total system-wide enrollment."

2) On page 3, line 22, strike "1,368,532" and insert "1,372,268"; on line 24, strike "801,393" and insert "802,984"; and on line 25, strike "80,600" and insert "80,999". On page 4, lines 3 and 6, strike "1,1448,227" and insert "1,453,953"; and on line 10, strike "2,298,848" and insert

"2,304,574".

3) On page 5, line 23, strike "607,311" and insert "609,422"; and on line 25, strike "986,276" and insert "988,624"; and on line 26, strike "607,204" and insert "609,203". On page 6, lines 5 and 8, strike "1,340,502" and insert "1,346,960"; and on line 12, strike "2,266,073" and insert "2,272,531".

4) On page 7, line 11, strike "3,064,021" and insert "3,072,555"; and on line 13, strike "1,522,883" and insert "1,527,182". Page 7, lines 18 and 21, strike "2,479,695" and insert "2,492,528"; and on line 26, strike "4,792,243" and insert "4,805,076".

5) On page 8, lines 22 and 25, strike "1,489,152" and insert "1,495,218"; and on page 9, line 2, strike "2,610,200" and insert "2,616,266".

6) On page 10, line 6, strike "2,130,852" and insert "2,137,670"; line 7, strike "571,672" and insert "574,652"; line 8, strike "2,030,954" and insert "2,034,505". On page 10, lines 13 and 16, strike "2,337,787" and insert "2,351,136"; and on line 21, strike "4,822,935" and insert "4,836,284".

7) On page 11, lines 11 and 14, strike "1,037,188" and insert "1,042,756"; and on line 18, strike "3,219,832" and insert "3,225,400".

8) On page 14, line 7, strike "10,449,922" and insert "10,499,922"; and on line 12, strike "20,399,302" and insert "20,449,302".

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at 8:00 a.m., Friday, March 22.

MR. WHITNEY PRESIDING

MOTION—Withdraw LB 520

Mr. Luedtke renewed his pending motion found in the Journal on page 1217 for the Forty-seventh Day to withdraw LB 520. The motion prevailed with 17 ayes, 0 nays and 32 not voting.

PRESIDENT MARSH PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1053. Considered.

The Standing Committee amendments found in the Journal on page 1231 for the Forty-seventh Day were renewed.

No. 1 was adopted with 29 ayes, 0 nays and 20 not voting.

No. 2 was adopted with 25 ayes, 0 nays and 24 not voting.

No. 3 was adopted with 26 ayes, 0 nays and 23 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 21, 1974, at 4:00 p.m. were the following: LB 905, LB 942, LB 951, LB 961, LB 997, LB 1007 and LB 1015.

(Signed) Barbara Jackson, Enrolling Clerk

RESOLUTIONS**LEGISLATIVE RESOLUTION 134.**

Introduced by Stahmer, 8th District.

Section 1. That at the general election in November, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 13, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"That section 13 of Article VII of the Constitution of Nebraska is repealed."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to repeal section 13 of Article VII of the Constitution of Nebraska.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in full force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

REFERENCE COMMITTEE REPORT

LR
134

Committee
Cons. Rev. & Rec.

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARING
Constitutional, Revision and Recreation

LR 134 Thursday, March 28, 1974

12:45 p.m.

(Signed) George Syas, Chairman

VISITORS

President Marsh introduced the Fillmore County Democratic Women's Organization; 10 Senior High students and their teacher from Rising City High School, Rising City, Nebraska and 32 Fourth grade students and their teachers from Beaver Crossing and Waco, Nebraska.

ADJOURNMENT

At 4:13 p.m., on a motion by Mr. Marvel, the Legislature adjourned until 9:00 a.m., Friday, March 22, 1974.

Vincent D. Brown
Clerk of the Legislature

FORTY-NINTH DAY—MARCH 22, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March, 22, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett Hezmall, Associate Pastor of the Westminster Presbyterian Church.

Eternal Spirit of God, ere we begin the duties of this wonderful new day, we would pause to give thee thanks for the accomplishments of yesterday. Let each achievement become for us another Ebenezer to remind us that "Hitherto the Lord hath helped us."

Let it bring renewed confidence that with Your help O God, the Legislature shall be able to fulfill the demands which lie before it, and so prove once again to be the instrument of good and blessing to our state.

We would O Lord, in our mind's reflection, walk through the corridor of our Capital to behold a few of our state Heroes: Wm. (Bill) Cody, William Jennings Bryan, Father Edward Flannigan, General Pershing, United States Senator George W. Norris, John J. Bess, Streeter Aldrich.

Seeing that we are encompassed by so great a cloud of witnesses, help us to lay aside every burden that so easily bests us. Help us to run with courage the race set before us, looking unto Jesus the supreme hero of our faith. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Moylan, F. Lewis, R. Lewis, Syas and Waldron who were excused, and Mr. Cavanaugh who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1249, delete lines 31 and 32 and insert: "Voting in the negative, 0."
"Not voting, 8:"

The Journal for the Forty-eighth Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Snyder asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of March 21, 1974. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Bauer, Hal - Lincoln, Lancaster County - 10 Elected Officials
Noren, Charles F. - Lincoln, Citizens for Progress through a Community Services Building
Tews, David D. - Lincoln, Citizens for Progress through a Community Services Building

UNANIMOUS CONSENT—Print Amendments to LB 1048 in the Journal

Mrs. Marsh asked unanimous consent to print the following amendments to LB 1048 in the Journal. No objections. So ordered.

Amendments to LB 1048

1. On page 3, line 5 after "of" insert "statewide"; line 6 after "and" insert "statewide".
2. On page 5, line 1 strike "have" and insert "include"; line 13 strike "prepare" and insert "assist the Governor and the Legislative Fiscal Analyst in the preparation of the"; line 14 after "recommendations" insert "; and" and strike the remainder of the line; strike line 15; and in line 20 strike "have" and insert "include".
3. On page 6, line 5 strike "have" and insert "include"; and strike lines 25 to 27.
4. On page 7 strike lines 1 to 10; line 11 before "The" insert "Sec. 7."; line 13 strike "with the" and insert "pursuant to the provisions of section 37 of this act."; line 14 strike "Legislature's committee on capital construction."; line 20 after "facilities" insert "pursuant to the provisions of section 37 of this act."; and strike the remainder of the line; and strike line 21.
5. On page 8, line 25 after the period insert "The administrator, under the direction of the director, is authorized to lease space or to pro-

vide facilities for the parking of state officers' and employees' vehicles as well as state-owned vehicles."; in line 27 after "for" insert "parking or for".

6. On page 9, line 9 after "Fund" insert ", except that receipts from parking charges shall be credited to the Capitol Buildings Parking Fund, which fund is hereby created, for the purposes of providing and maintaining parking for state employees and visitors. The administrator shall develop a system of equitable billings and charges for employee parking. The administrator, under policies and procedures established by the Director of Administrative Services, may expend funds from time to time credited to the Capitol Buildings Parking Fund for the purposes of obtaining, operating, and maintaining parking facilities for employees and visitors"; in line 18 after "Fund" insert "or the Capitol Buildings Parking Fund".

8. On page 15 after line 26 insert a new section to read as follows:
 "Sec. 13. That section 72-701.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-701.08.~~ (1) Any board, agency, commission, or department of the state government not otherwise specifically authorized by law may use funds available for the purpose of renting office space outside of the State Capitol when the terms and location are approved by the ~~Governor~~ Director of Administrative Services in writing and the acquisition of space outside of the State Capitol has been approved by motion of the Legislature when in session or by majority vote of the Executive Board of the Legislative Council when the Legislature is not in session.

(2) The State Building Division shall have the responsibility of providing office space in leased buildings in the proximity of the State Capitol or in other locations approved by the Governor. The State Building Administrator shall develop a system of charges to cover basic rental, maintenance, renovations, and operation of such leased properties. The charges to state agencies, boards, commissions, or departments of state government shall be paid from funds available for the purpose of renting space on a regular basis and placed in the Leased Office Building Fund, which fund is hereby created. The State Building Administrator shall make payments for basic rentals, renovations, and maintenance and operational costs of such leased buildings from the Leased Office Building Fund."

8. On page 23, line 10 reinstate "Director-State Engineer" and after reinstated "Engineer" insert ", the".

9. On page 29, lines 3 and 4 reinstate "Executive Board of the Legislative Council"; in line 4 strike "Capitol Construction Standing Committee"; in line 7 after "such" strike "committee shall" and insert "committee shall board may".

10. On page 34, line 1 strike "state agency or department may" and show as stricken; in line 2 after "of" insert "a"; in line 3 strike "facilities" and insert "facilities facility" and after "of" insert "an"; in line 4 strike "facilities" and insert "facilities facility provided for by any state appropriation may be initiated"; in line 5 after "and" strike the remainder of the line; strike line 6; in line 12 strike "first" and show as stricken; in line 15 strike the period; and in lines 15 to 16 reinstate the stricken matter.

11. On page 41 after line 24 insert:

"Sec. 48. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall

not affect the validity of the remaining portions thereof.”; line 25 after “sections” insert “72-701.08”.

12. Renumber original sections 13 to 46 as sections 14 to 47 respectively and sections 47 to 48 as sections 49 to 50 respectively.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 616.

A BILL FOR AN ACT to amend sections 53-117 and 53-158, Reissue Revised Statutes of Nebraska, 1943, and section 53-103, Revised Statutes Supplement, 1973, relating to alcoholic liquors; to define and redefine terms; to provide duties; to provide when a carrier shall not be required to give bond; to prohibit retail sales below cost; to provide for a minimum service charge and changes therein; to provide for deliveries and title to alcoholic liquor; to provide severability; and to repeal the original sections.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass?’ ”

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 25:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	DeCamp	Dickinson	Duis
Epke	Hasebroock	Kelly	Kime	Kremer
Luedtke	Maresh	Marvel	Nore	Rasmussen
Richendifer	Schmit	Simpson	Stull	Warner

Voting in the negative, 15:

Fellman	Fowler	Goodrich	Kennedy	Keyes
Mahoney	Marsh	Murphy	Proud	Savage
Skarda	Snyder	Stahmer	Stromer	Whitney

Not voting, 9:

Cavanaugh	Clark	Johnson	F. Lewis	R. Lewis
Moylan	Syas	Waldron	Wiltse	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 622.

A BILL FOR AN ACT to amend section 81-501.01, Reissue Revised Statutes of Nebraska, 1943, relating to the State Fire Marshal; to require legislative confirmation; to eliminate jurisdiction of the Department of Insurance; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barnett	Burbach	C. Carsten	F. Carstens	Chambers
DeCamp	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Keyes
Kime	Kremer	Luedtke	Mahoney	Maresh
Marsh	Marvel	Murphy	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stromer	Stull	Warner	Whitney
Wiltse				

Voting in the negative, 1:

Nore

Not voting, 12:

Anderson	Carpenter	Cavanaugh	Clark	Dickinson
Kennedy	F. Lewis	R. Lewis	Moylan	Stahmer
Syas	Waldron			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 644.

A BILL FOR AN ACT to amend section 81-815.06, Reissue Revised Statutes of Nebraska, 1943, relating to the State Boat Act; to provide an exception to the requirement that every watercraft carry life preservers or other flotation devices as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Chambers	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
Luedtke	Mahoney	Maresh	Marsh	Marvel
Nore	Proud	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Carpenter	Cavanaugh	Clark	F. Lewis	R. Lewis
Moylan	Murphy	Rasmussen	Syas	Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 763.

A BILL FOR AN ACT to amend section 60-311, Revised Statutes Supplement, 1972, relating to motor vehicles; to provide a minimum size for figures on license plates; to change the issuance of license plates from every three years to every four years; to provide for special bicentennial plates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Chambers	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
Luedtke	Mahoney	Maresh	Marsh	Nore
Proud	Rasmussen	Richendifer	Savage	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Carpenter	Cavanaugh	Clark	F. Lewis	R. Lewis
Marvel	Moylan	Murphy	Schmit	Syas
Waldron				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 775.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1973, relating to the Employment Security Law; to increase the maximum weekly benefit amount; to provide for transition; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	Luedtke	Mahoney	Maresh
Marsh	Marvel	Murphy	Nore	Proud
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Clark	F. Lewis	R. Lewis	Moylan	Rasmussen
Syas	Waldron			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 865A.

A BILL FOR AN ACT to appropriate twenty thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Game and Parks Commission, Agency No. 33 for Program 336, Wildlife

Conservation, to aid in carrying out the provisions of Legislative Bill 865, Eighty-third Legislature, Second Session, 1974.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Keyes	Kime
Kremer	Luedtke	Mahoney	Maresh	Marsh
Marvel	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Simpson	Skarda	Snyder
Stahmer	Stull	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Clark	Kennedy	F. Lewis	R. Lewis	Moylan
Schmit	Stromer	Syas	Waldron	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 876.

A BILL FOR AN ACT to amend section 60-320.01, Revised Statutes Supplement, 1973, relating to motor vehicle registration; to provide for the operation without registration of motor vehicles purchased from other than a licensed dealer; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
Luedtke	Maresh	Marsh	Nore	Proud

Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Carpenter	Chambers	Clark	F. Lewis	R. Lewis
Mahoney	Marvel	Moylan	Murphy	Syas
Waldron				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 890.

A BILL FOR AN ACT to amend section 81-1328, Revised Statutes Supplement, 1973, relating to the state employees; to redefine terms; to provide that an employee who has retired or voluntarily terminated in lieu of retirement shall, if he returns to employment, be considered a new employee for the purpose of vacation leave entitlement; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	DeCamp	Dickinson
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	Luedtke	Mahoney	Maresh	Marsh
Marvel	Murphy	Nore	Proud	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Clark	Duis	F. Lewis	R. Lewis	Moylan
Rasmussen	Syas	Waldron		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 919.

A BILL FOR AN ACT to amend sections 44-214 and 44-219, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to require an increase in capital stock and minimum surplus as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	Luedtke	Mahoney	Maresh
Marsh	Marvel	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Clark	F. Lewis	R. Lewis	Moylan	Syas
Waldron				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 926.

A BILL FOR AN ACT to amend section 44-1618, Reissue Revised Statutes of Nebraska, 1943, relating to group insurance; to provide an exemption; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Chambers	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kremer
Luedtke	Maresh	Marsh	Marvel	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Carpenter	Clark	Kime	F. Lewis	R. Lewis
Mahoney	Moylan	Schmit	Syas	Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1001.

A BILL FOR AN ACT to amend section 84-1001, Reissue Revised Statutes of Nebraska, 1943, relating to the basic work week; to harmonize with other legislation; to define terms; to provide for time off for work done on paid holidays as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	Luedtke	Mahoney	Maresh
Marsh	Marvel	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Stahmer	Stromer	Stull	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Clark
Syas

F. Lewis
Waldron

R. Lewis

Moylan

Snyder

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

Mr. Stull announced that on Friday, March 29, 1974 would be the kick-off of the 100th Anniversary of Fort Robinson at Crawford, Nebraska.

UNANIMOUS CONSENT—Unbracket LB 922 on Final Reading

Mr. Stahmer asked unanimous consent to unbracket LB 922 on Final Reading.

Mr. Carpenter objected.

Mr. Stahmer moved to unbracket LB 922 on Final Reading. The motion prevailed with 23 ayes, 3 nays and 23 not voting.

MOTION—Return LB 922 to Select File

Mr. Stahmer moved to return LB 922 to Select File for the specific amendment found in the Journal on page 1248 for the Forty-eighth Day. The motion prevailed with 25 ayes, 2 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 922. The Stahmer specific amendment found in the Journal on page 1248 for the Forty-eighth Day was adopted with 26 ayes, 2 nays and 21 not voting.

Advanced to E & R for Re-Engrossment.

Mr. Carpenter asked unanimous consent to expedite LB 922. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 131 on E & R Final

Mr. Richendifer asked unanimous consent to unbracket LB 131 on E & R Final. No objections. So ordered.

MOTION—Return LB 131 to Select File

Mr. Richendifer moved to return LB 131 to Select File for the following specific amendment:

1. In new section 1, line 6, strike beginning with “over” through “Indians” and show as stricken; strike beginning with “such” in line 8 through the colon in line 10 and show as stricken, and insert “the equivalent of thirty mills on the assessed value of all land held in trust by the United States government for the benefit of Indians in such counties to be used for purposes of law enforcement and rehabilitation. Such funds shall be divided as equally as possible between the areas of enforcement and rehabilitation. A report shall be submitted on December 31 of each year on the operation and expenditures of the office of county sheriff to the Executive Board of the Legislative Council.”; in line 13 strike “more than thirty-five thousand” and show as stricken and insert “over twenty-five hundred”; in line 15, strike “, for the benefit of Indians or Indian tribes,” show as stricken, and insert an underscored period after “States”; and strike lines 18 to 25, show as stricken and insert:

“(2) The county boards of such counties may participate in alcohol-related programs with non-profit corporations.”.

2. In new section 2, line 2, strike “is” and insert “and also section 23-364, Reissue Revised Statutes of Nebraska, 1943, are”.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 131. The Richendifer specific amendment found in this day’s Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment

POINT OF PERSONAL PRIVILEGE

Speaker Proud asked unanimous consent to print his remarks to an editorial from the Lincoln Journal in the Legislative Journal, at a later time. No objections. So ordered.

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 960. Replaced on Select File as amended.
E & R amendment to LB 960:

1. In E & R 2, adopted 3/21, line 2, insert

"or material" before "advanced"; and in the last line strike "1973" and insert "1972".

LEGISLATIVE BILL 821. Replaced on Select File as amended. E & R amendments to LB 821:

1. In the Stull amendment, strike the new matter on page 5, lines 5 to 7.

2. Strike the Stull amendment 2, and in the Final Reading bill, renumber sections 13 to 18 as sections 15 to 20.

3. In lieu of the Stull amendment 3, on page 22, line 12, insert "except that sections 13 and 14 of this act shall become operative on the effective date of this act" after "1976"; in line 17 insert "60-403.01," after the second comma; in line 18 strike "and"; and in line 19 insert "and section 60-407, Revised Statutes Supplement, 1973, as amended by section 1, Legislative Bill 611, Eighty-third Legislature, Second Session, 1974," after the comma.

4. In the title, line 6, insert "60-403.01," after the third comma; in line 7 strike "and"; in line 8 insert "and section 60-407, Revised Statutes Supplement, 1973, as amended by section 1, Legislative Bill 611, Eighty-third Legislature, Second Session, 1974," after the second comma; and at the end of line 10, insert "to provide for limited permits for motorcycle operators;"

LEGISLATIVE BILL 782. Replaced on Select File as amended. E & R amendment to LB 782:

1. Because of the Fellman amendment 1 adopted 3/21, strike E & R 1, adopted 3/13, and E & R 1, adopted 3/21.

Signed) John J. Cavanaugh, Chairman

MOTION—Postage

Messrs. Mahoney, Carpenter, Savage, Goodrich and Proud moved to authorize the purchase of up to \$200 worth of stamps to be provided for each Senator and the Lt. Governor for use during the interim. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

MOTION—Reconsider Action on LB 677

Mr. Marvel renewed his pending motion found in the Journal on page 1126 for the Forty-fourth Day to reconsider action on indefinitely postponing LB 677.

The motion prevailed with 29 ayes, 3 nays and 17 not voting.

UNANIMOUS CONSENT—Unbracket LB 805

Mr. Kremer asked unanimous consent to unbracket LB 805 on E & R Final. No objections. So ordered.

MOTION—Return LB 805 to Select File

Mr. Kremer moved to return LB 805 to Select File for the following specific amendment:

1. Beginning on line 6 of the amendment, strike “In the event that the department commences condemnation proceedings within the sixty-day period, then the officer shall not issue a permit, but if no condemnation proceeding is commenced, then the building permit shall be issued at the end of the sixty-day period” and insert instead “Within the sixty-day period, the Department may if it wishes file with said officer a statement of intent to negotiate with the owner of the land involved. Upon the filing of said statement of intent, the Department shall be allowed six months for negotiations with the landowner. At the end of said six-month period, if the landowner has not withdrawn his application for a permit, it shall be issued”.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 805. The Kremer specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Enrolled**

The following bills were correctly enrolled: 616, 622, 644, 763, 775, 865A, 876, 890, 919, 926 and 1001.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 616, 622, 644, 763, 775, 865A, 876, 890, 919, 926 and 1001.

UNANIMOUS CONSENT—General File Bills

Mr. Carpenter asked unanimous consent to proceed to General File to take up underlined bills, consider Standing Committee amendments and advance the bills to E & R by unanimous consent.

Mr. Proud objected.

MOTION—Suspend Rules

Mr. Carpenter moved to consider bills underlined, consider only committee amendments and introducer amendments to committee amendments and advance to E & R Initial.

The motion lost with 19 ayes, 11 nays and 19 not voting.

MOTION—Suspend Rules on LB 834

Mr. Chambers moved to suspend the rules to place LB 834 at the top of General File.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 23 ayes, 5 nays and 21 not voting.

The Call showed 41 members present.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 30:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Chambers	Dickinson	Duis	Epke
Fellman	Fowler	Hasebroock	Kelly	Kennedy
Kremer	Luedtke	Mahoney	Maresh	Marsh
Murphy	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Stahmer	Stull	Warner

Voting in the negative, 8:

Carpenter	DeCamp	Goodrich	Keyes	Marvel
Proud	Stromer	Whitney		

Not voting, 11:

Clark	Johnson	Kime	F. Lewis	R. Lewis
Moylan	Nore	Snyder	Syas	Waldron
Wiltze				

The motion prevailed with 30 ayes, 8 nays and 11 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

MOTION—Suspend Rules

Mr. Kennedy moved to suspend the rules to consider LB 977 on General File after LB 834.

The motion prevailed with 30 ayes, 4 nays and 15 not voting.

MOTION—General File Bills

Mr. Richendifer moved that the Clerk be directed to print the underlined bills on General File, in their respective order to the top of General File and on the Board.

Motion pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 22, 1974, at 11:50 a.m., were the following: LB 616, LB 622, LB 644, LB 763, LB 775, LB 865A, LB 876, LB 890, LB 919, LB 926 and LB 1001.

(Signed) Barbara Jackson, Enrolling Clerk

RECESS

At 11:51 a.m., on a motion by Mr. C. Carsten, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Moylan, F. Lewis, R. Lewis, Snyder, Syas, and Waldron who were excused.

ATTORNEY GENERAL'S OPINION

Opinion No. 158
March 22, 1974

Dear Senator Anderson:

You call our attention to L.B. 867 and then ask a series of questions concerning rights of putative fathers. A number of your questions deal with rights which are conferred on such fathers under present law. You also ask if the present statutes of the state pertaining to adoptions are valid in light of recent Supreme Court opinions. In view of the fact that the validity or invalidity of duly enacted statutes is a matter for the courts, we refrain from commenting upon such except insofar as they relate to your proposed legislation.

L.B. 867 provides that an unwed mother may consent to the adoption of her child without the consent of the natural father under certain circumstances. Under this bill any rights which a putative father may have shall not be recognized in any court unless the person claiming to be the father of the child has filed with the county court of the county in which the prospective mother is a resident, prior to the birth of the child, a notice (on prescribed forms) of intent to claim paternity. A copy of the notice is to be sent to the prospective mother and provision is made that the notice is to be admissible in any support action under the provisions of Chapter 13 of the Nebraska statutes. Provision is also made for the mother to deny that the claimant father is the true father. In any event, a person claiming to be the father of the child must also consent to any adoption unless it is determined by an appropriate legal action, notwithstanding his claim of parentage, that he is not the true father. It seems that the design of the bill is to require a putative father to assert his claim prior to the birth of the child or such rights will not be enforced.

Recent decisions of the United States Supreme Court have operated to nullify state laws which distinguish between legitimate and illegitimate children. Thus in Levy v. Louisiana, 391 U. S. 68 (1968), it was held that the Louisiana wrongful death statute was invalid as denying equal protection of the laws because it permitted a wrongful death action by legitimate children but not by illegitimate children. In Glon v. American Guarantee & Liability Ins. Co., 391 U. S. 73 (1968), the Louisiana wrongful death statute was held invalid as denying equal protection because a mother of a child wrongfully killed was denied the right to recover if the child were illegitimate but permitting such an action for the death of a legitimate child. Other cases similarly are concerned with invalid distinctions between legitimate and illegitimate children. See Weber v. Aetna Casualty & Surety Co., (1972), 406 U. S. 164. These cases were not concerned with any rights which the putative father might have.

In Stanley v. Illinois, (1972), 405 U. S. 645, the United States Supreme Court considered the right of a natural father to custody of his children. The court there pointed out that the natural mother lived with the natural father for a period of eighteen years during which time they had three children. When the mother died the children were declared wards of the state without notice or any hearing and were placed with court appointed guardians. The position of the state was that the natural

father, under Illinois law, could be properly separated from the children upon proof of the single fact that he and the dead mother had not been married. The United States Supreme Court reversed. In the Stanley case the father never denied that facts of his paternity and never refused to accept the responsibilities of his fatherhood. In fact, his home was the only home the children had known. The court found this statutory scheme to be invalid since an unwed father was entitled to a hearing on his fitness before his children were taken from him and the advantage to the state in the convenience of presuming rather than proving an unwed father's unfitness was insufficient to justify the refusal of a hearing.

In State ex rel. Lewis v. Lutheran Social Services of Wisconsin, 47 Wis. 2d 420, 178 N. W. 2d 56, the Wisconsin Supreme Court ruled that unwed fathers had no right to custody of their illegitimate children. The United States Supreme Court, 405 U. S. 1051, 92 S. Ct. 1488, 31 L. Ed. 2d 786, vacated the judgment and remanded it to the Wisconsin Supreme Court for further consideration. In that case the natural father had made his claim for parental rights known prior to birth of the child who was born out of wedlock. He was kept from knowledge of the child's birth and the whereabouts of the child, presented his claim to the court, but was prevented from being heard. Thus, the factual situations in these cases seem to be recognized by the proposed legislation.

The proposed legislation would provide a procedure where a male who sires a child could assure that any claim he might wish to preserve would be recognized. True, by so doing he would also expose himself to the responsibilities contemplated in Chapter 13 of the Nebraska statutes. The legislation seems clear enough in its present form. We recognize that the proposal may not be free from doubt as to its constitutional validity. However, this approach does not appear to have been tested in any court to our knowledge and we cannot say that the proposed legislation would be invalid.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:ejg
cc Mr. Vincent D. Brown

UNANIMOUS CONSENT—Select File Bills

Mr. Carpenter asked unanimous consent to consider the Select File bills reported in today. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 960. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 821. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 782. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Withdraw Motion

Mr. Richendifer asked unanimous consent to withdraw his pending motion found in this day's Journal regarding underlined bills. No objections. So ordered.

ORDER OF GENERAL FILE BILLS

Speaker Proud directed that all underlined bills be placed on General File immediately after the bills set for a date certain.

GENERAL FILE

LEGISLATIVE BILL 834. Title read. Considered.

Standing Committee amendments found in the Journal on page 565 for the Twenty-fifth Day were rejected with 27 ayes, 0 nays and 22 not voting.

Mr. Goodrich offered the following amendment:

Insert a new Section 2 to read as follows:

In lieu of committee amendment,

"Sec. 2. On July 1, 1975, and annually thereafter the maximum amount of monthly assistance paid with respect to a dependent child shall be adjusted by the annual change in the cost of living as determined by the most recent available regional Consumers Price Index for Urban Wage Earners and Clerical Workers."

Mr. Cavanaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Goodrich amendment lost with 6 ayes, 20 nays and 23 not voting.

Mr. Goodrich offered the following amendment:

Amend L. B. 834 on Pg 2, Line 26 by striking Seventy-five and inserting Sixty-five.

The amendment lost with 2 ayes, 22 nays and 25 not voting.

Mr. Carpenter offered the following amendment:

On page 2, line 25, beginning after the word "shall" strike the matter through line 27, and on page 3, lines 2 and 3 and insert thereof, "be no less than 90% of the amount determined to be the poverty level by the United States Office of Economic Opportunity."

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 3:

Carpenter	Mahoney	Marsh
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Voting in the negative, 34:

Anderson	Barnett	C. Carsten	F. Carstens	Cavanaugh
Chambers	DeCamp	Dickinson	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Maresh	Marvel
Murphy	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Stahmer
Stromer	Stull	Warner	Whitney	

Not voting, 12:

Burbach	Clark	Duis	Kremer	F. Lewis
R. Lewis	Luedtke	Moylan	Snyder	Syas
Waldron	Wiltse			

The amendment lost with 3 ayes, 34 nays and 12 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 834A. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

Mr. Schmit asked unanimous consent to expedite LB 834 and LB 834A.
No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. Richendifer asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 861. Replaced on Select File as amended.
E & R amendments to LB 861:

1. In the second Marsh amendment adopted 3/19, insert "show stricken and" after "and".
2. On page 8, insert an underscored period after "Records" in line 10 and strike the rest of the sentence and show as stricken.
3. In lieu of E & R 5 adopted 3/21, in the Twelfth Marsh amendment, insert "show stricken and" after "and".

LEGISLATIVE BILL 922. Replaced on Select File as amended.
E & R amendments to LB 922:

1. In the title, line 6, insert "to provide for performance audits of certain political subdivisions;" after the semicolon.

LEGISLATIVE BILL 131. Replaced on Select File as amended.
E & R amendments to LB 131:

1. In section 1 reinstate beginning with "to" in line 9 through line 10; in line 15 strike the period added by the Richendifer amendment and insert "; and".
2. In the Richendifer amendment, line 17, insert "old matter" after "show"; in line 18 strike "boards of such counties" and insert "board of each such county"; and in line 19 strike "non-profit" and insert "nonprofit".
3. In the title, as amended, insert a semicolon at the end of line 4 and strike lines 5 and 6 and insert "and to repeal the original section, and also section 23-364, Reissue Revised Statutes of Nebraska, 1943."

LEGISLATIVE BILL 805. Replaced to Select File as amended.
E & R amendments to LB 805:

1. On page 2, line 7, insert an underscored comma after "system".
2. On page 3, line 10, strike "or" and insert "or," and strike "now required then" and insert "required in the county or minicipality,"; in line 16 insert "the" after "Upon"; and in line 20 strike the comma.

3. In committee amendment 1, line 5, strike the comma.

4. In the Kremer amendment adopted 3/22, lines 8,9, and 12, strike "said" and insert "such"; and in the last line insert an underscored period after "issued".

5. In the title, line 6 insert "provide" after "and".

(Signed) John J. Cavanaugh, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 159
March 22, 1974

Dear Senator Murphy:

You have written requesting our advice on the Standing Committee amendment to L. B. 817. You ask us to explain the effect of the amendment which strikes certain language contained in subsection (2) of Section 48-1102, R. S. Supp., 1973 with respect "to the effect that it will place the state under the Nebraska Equal Opportunity Commission."

The language to be stricken is as follows:

"* * *; Provided, that in accordance with the fundamental condition accepted by the people of the State of Nebraska as shown by the acts of admission of this state into the Union that there shall be no denial of any right to any person by reason of race or color, it shall be the policy of the State of Nebraska and of its political subdivisions to insure equal employment opportunities for employees of the state and of its political subdivisions without discrimination because of race or color, and all officers of the state and of its political subdivisions shall use their existing powers to effectuate this policy;"

We have reviewed the proposed amendment and with respect to the jurisdiction of the Equal Opportunity Commission, we do not believe the proposed amendment will either add to or detract from such jurisdiction as said commission may presently be authorized to exercise.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:jc

cc: Vincent D. Brown

MESSAGE FROM THE GOVERNOR

March 22, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

It appears that hard data is unavailable to you as you proceed with your important budget making duties. In an effort to be helpful, I am furnishing you herewith that actual data.

First, due to continuing higher than previously anticipated growth in revenues, I am advised by our Department of Revenue that we can reasonably anticipate total receipts of \$310.2 million available funds for the fiscal period 1974-75. This is some \$5 million more than was reported to you earlier this week by your Appropriations Committee and their staff. That is the good news.

Our projections are based upon actual receipts for the first eight months of this fiscal year plus estimates of 15% for sales tax and 18% for income tax for the last four months. The next fiscal year from July 1, 1974 to June 30, 1975 projections are based upon a 10.2% further growth in the income tax and an 8 1/2% further growth in the sales tax.

These figures are based on our Revenue Department projections which were afterward found to be supported by estimates from the revenue departments of our surrounding states. You may see the breakdowns on Page 4 under Note 6 of the accompanying material.

All Nebraska projections are based on continuation of the 11% income tax and the 2 1/2% state sales tax through the budget period of July 1, 1974 to June 30, 1975.

Now, the bad news. As against available revenues of \$305 million by your Appropriations Committee and staff or \$310 million by the Executive Department and staff, we find that the Legislature has already passed or had recommended to it by your Appropriations Committee, total commitments for that same period of \$324.1 million. Please refer to the page headed, "Proposed Appropriations by Legislature for Fiscal Year 1974-75."

This means that by your own Appropriations Committee and staff recommendations, you currently have a deficit of \$19 million or by our calculations a deficit of \$14 million.

Other committee actions or anticipated floor amendments for increased food tax credit and ADC benefits plunge the deficit, if passed, another \$6 million to \$329.9. This creates additional deficit totals of \$25 million using legislative projections or \$20 million using ours.

Other proposed spending measures with major fiscal impact create an additional \$3 million deficit bringing the total shortfall to \$28 million by legislative estimates or \$23 million under executive projections.

Under either estimate, it is evident that the state may be placed in an untenable financial situation. Meanwhile, you are overriding my vetoes of non-priority spending measures at will, threatening to override others, and no one knows what other additional appropriations you might decide to enact.

It is certainly time, I hope all will concur, for the Legislature to drastically cut the spending path you are presently embarked upon or face realities.

Your Appropriations Committee has already exceeded by budget recommendations by some \$10 million, a minor portion of which I have agreed to, while ignoring some important people oriented programs. I suggest proper spending priorities are not being followed.

It would also be realistic for us to look to the future if we are truly concerned about tax rates and future spending.

In addition to your increased appropriations over my recommendations in operations, you have before you increased capital construction recommendations over the next two budget periods, which causes a ballooning effect, without even meeting generally agreed upon penal construction requirements.

For the 1975-76 period, we are facing an additional \$30 - 40 million in spending over your apparent appropriations intentions of approximately \$330 million for 1974-75. That means that a year from now the Governor and the Legislature will be facing at least total obligations of \$360 to \$370 million at a minimum. What will the tax rates be then?

It is time for responsible and considerate action.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

(Enclosures filed in the Clerk's office)

UNANIMOUS CONSENT—Print Amendment to LB 656 in Journal

Mr. Cavanaugh asked unanimous consent print the following amendments to LB 656 in the Journal. No objections. So ordered.

Amendments to LB 656

1. Insert a new section in LB 656 as amended to read as follows:

“Sec. 9. That section 70-615, Revised Statutes Supplement, 1973, be amended to read as follows:

70-615. A vacancy on the board of directors shall exist in the event of the (1) death, disability or removal from the chartered area or resignation of any director, (2) removal from the subdivision from which said director was elected,

(3) elimination or detachment from the chartered area of the territory in which a director or directors reside, or (4) expiration of the term of office of a director and failure to elect a director to fill such office at the preceding general election. In the event of a vacancy from any of said causes, or otherwise, such vacancy or vacancies shall, except in districts having within their chartered area twenty-five or more cities and villages, be filled by the board of directors. In districts having within their chartered area twenty-five or more cities and villages, vacancies shall be filled by the Governor. ~~If a vacancy occurs during the term of any director prior to the deadline for filing, and the unexpired term extends beyond the first Tuesday in January following the next general election, and appointment shall be until the first Tuesday in January following the next general election, and candidates may file nomination papers as provided by law for the placing of their names upon the ballot for election to the unexpired term. If a vacancy occurs during the term of any director after the deadline for filing for election, an appointment shall be until the first Tuesday in January following the next general election for which candidates may file nomination papers as provided by law.~~ Such appointment shall be in writing and shall continue for the remainder of the unexpired term regardless of the length of the term or the existence of an interceding general election.

At any time a vacancy is to be filled by election the secretary of the district shall give notice to the public by publishing the notice of vacancy, length of term, and the deadline for filing, once in a newspaper or newspapers of general circulation within the district.

Any appointment shall be filed with the Secretary of State by certified mail."

2. In Standing Committee amendments found on page 590 of the Legislative Journal, section 10 after "1943" insert "and section 70-615, Revised Statutes Supplement, 1973."

GENERAL FILE

LEGISLATIVE BILL 977. Mr. Goodrich asked unanimous consent to bracket LB 977.

Mr. Carpenter objected.

Mr. Goodrich moved to bracket. The motion lost with 9 ayes, 22 nays and 18 not voting.

Title read. Considered.

Standing Committee amendments found in the Journal on page 565 for the Twenty-fifth Day were rejected with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 32 ayes, 1 nay and 16 not voting.

LEGISLATIVE BILL 977A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

Mr. Kennedy asked unanimous consent to expedite LB 977 and LB 977A. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SPEAKER PROUD PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1053. Considered.

Mr. Hasebroock offered the following amendment:

Amend Page 17, Section 5 of LB 1053 to add the following program and appropriation:

Program No. 106 – Energy Office Administration	
General Fund	\$ 325,000
Program Total	\$ 325,000

Mr. Hasebroock moved for a Call of the House. The motion prevailed with 14 ayes, 3 nays and 32 not voting.

Mr. Hasebroock moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Hasebroock amendment was adopted with 25 ayes, 4 nays and 20 not voting.

MR. SIMPSON PRESIDING

Mr. Carpenter offered the following amendment:

- 1) On page 17, line 14, strike “4,196,713” and insert “5,196,713”; on line 16, strike “4,867,843” and insert “5,867,843”.
- 2) On page 17, after line 9, insert the following:

“There is included in the amount shown \$1,000,000 General Funds which shall be used to augment the current audit program in the following areas: (a) \$250,000 General Funds to be used for additional sales tax audits; and (b) \$750,000 General Funds to be used for income tax audits emphasizing foreign and domestic corporations.

The State Personnel Department is directed to assist the Tax Commissioner in providing pay grade changes for revenue auditors, the range to be from pay grade F06 to F20, and make such other pay schedule adjustments to maintain comparable pay for other key agency professional, administrative, and managerial positions.”

3) On page 18, line 1, strike "17,018,971" and insert "18,018,971"; on line 4, strike "17,740,101" and insert "18,740,101".

Amendment pending.

Mr. Carpenter asked unanimous consent to print the following amendment in the Journal. No objections. So ordered.

1) On page 18, after line 14, insert the following:

"The Department of Roads shall meet the following requirements prior to the obligation and expenditure of Highway Cash Funds – Fund 2270: 1) All highway construction projects, excluding maintenance projects, shall be designed to federal specifications and requirements, 2) Highway Cash Funds shall be obligated only if the federal matching funds are available, and 3) No Highway Cash Funds shall be obligated or expended if federal matching funds are not available for highway construction."

2) On page 18, strike lines 15 through 22, and insert :

"CASH FUND	63,552,373
PROGRAM TOTAL	63,552,373

(2) PROGRAM NO. 568 -- Departmental Administration

The unexpended Cash Fund balances existing on June 30, 1974, are hereby reappropriated.

CASH FUND	6,535,149
PROGRAM TOTAL	6,535,149

(3) PROGRAM NO. 571 -- Highway Maintenance

Highway maintenance contracts shall be awarded during April of each year except for emergency maintenance projects.

The unexpended Cash Fund balances existing on June 30, 1974, are hereby reappropriated.

CASH FUND	17,787,136
PROGRAM TOTAL	17,787,136

(4) PROGRAM NO. 572 -- Service and Support

The unexpended Cash Fund balances existing on June 30, 1974, are hereby reappropriated.

CASH FUND	5,056,521
PROGRAM TOTAL	5,056,521

For Informational Purposes Only: Total Appropriations to Agency No. 27 and Fund Source

CASH FUND	92,931,179
AGENCY TOTAL	92,931,179

3) On page 21, line 24, strike "GENERAL" and insert "CASH"; on page 22, strike line 4; and on line 5, strike "100,000" and insert "1,289,673"; on page 22, line 13, strike "GENERAL" and insert

“CASH”; and after line 14, insert “The Cash Funds shown in this section include appropriations from the Highway Cash Fund - Fund No. 2270.”; on page 22, line 17, strike “7,866,794” and insert “40,658”; line 18, strike “100,000” and insert “7,926,136”.

Mr. Richendifer asked unanimous consent to print the following amendment in the Journal. No objections. So ordered.

1. On page 22 after line 9 insert:

“Such funds shall be divided as equally as possible between the areas of law enforcement and rehabilitation for the purposes of LB 131, Eighty-third Legislature, First Session, 1973. A report shall be submitted on December 31, 1974, on the operations of this program to the Executive Board of the Legislative Council. The funds in this program may be expended to participate in alcohol related programs with nonprofit corporations.”.

Standing Committee amendment No. 4 found in the Journal on page 1232 was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

UNANIMOUS CONSENT—Select File Bills

Mr. Duis asked unanimous consent to consider Select File bills reported in this afternoon. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 861. E & R amendments found in this day’s Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 922. E & R amendment found in this day’s Journal was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 131. E & R amendments found in this day’s Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 805. E & R amendments found in this day’s Journal were adopted.

Advanced to E & R for Engrossment.

ADJOURNMENT

At 3:47 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 10:00 a.m., Monday, March 25, 1974.

Vincent D. Brown
Clerk of the Legislature

FIFTIETH DAY—MARCH 25, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 25, 1974

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Marsh presiding.

PRAYER

The Prayer was offered by the Chaplain.

Almighty God, as we begin to live this new day which Thou hast given us, grant that by all our thoughts, words, and deeds we may keep it bright and clean and wholesome. Help us to be true to our convictions without simply being obstinate; to be tolerant of other men's opinions without compromising our principles; to be men of our word and not just wordy men; to be leaders whose eyes are on the stars, but whose feet stand solidly on the ground; and to be determined that the affairs of our State may never become a sorry state of affairs. In short, O God, make us the kind of men and women who use our time finding solutions instead of creating problems, producing answers instead of just asking questions, providing action instead of merely making small talk. To this end guide us, sustain us, and strengthen us; in our Master's name we pray. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Stromer and Waldron who were excused and Mr. F. Lewis who was absent until 9:40 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1283, line 39, delete "697" and insert "677".

Page 1284, line 12, correct spelling of "building".

The Journal for the Forth-ninth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Mr. Stull and Mr. Wiltse asked unanimous consent to be excused Thursday afternoon and Friday, March 28 and 29, 1974. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 21, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 679, 824, 832, 882, 886, 909, and 972.

These bills were signed by me on March 21, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

EXPLANATION OF VOTE

Had I been present I would have voted "no" on L.B. 616.

Had I been present I would have voted "yes" on L.B. 622, 644, 775, 865A, 876, 890, 919, 926, and 1001.

(Signed) George Syas

UNANIMOUS CONSENT—Print Amendments to LB 1035

Mr. Schmit asked unanimous consent to print proposed amendments to LB 1035. No objections. So ordered. (Amendments printed and on file in the Clerk's office.)

STANDING COMMITTEE REPORTS
Labor

LEGISLATIVE BILL 1044. Placed on General File.

LEGISLATIVE BILL 1049. Placed on General File as amended.
Standing Committee amendment to LB 1049:

1. On page 4, after line 16 insert the following:
 "Claim No. 45, against Military Department,
 filed by City of Ogallala (Paul Fisher),
 410 East 2nd Street, Ogallala, Nebraska,
 69153, against the General Fund (Paving
 assessment) 2,213.07
 Claim No. 53, against Department of Roads,
 filed by Donald M. Nickel, 2005 3rd Street,
 Kearney, Nebraska, 68847, against the
 Highway Cash Fund (Right-of-way settlement) 15,000.00
 Claim No. 110, against Department of
 Correctional Services, filed by Thomas R.
Pratt, Box 81248, Nebraska State Penal and
 Correctional Complex, Lincoln, Nebraska,
 against the General Fund (Injuries while
 an inmate) 2,200.00

(Signed) Richard Maresh, Chairman

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 131. Replaced on Select File as amended.
E & R amendments to LB 131:

1. In section 1, before the reinstated matter
in lines 9 and 10, insert "Such payment shall be made" and
insert the new matter of the Richendifer amendment 1, lines
4 to 12 immediately prior thereto.
2. In the Richendifer amendment 1, lines 6 and 7,
strike "such counties" and insert "any such county".

LEGISLATIVE BILL 805. Replaced on Select File as amended.
E & R amendments to LB 805:

1. In committee amendment 1, line 10, strike
"provided that" and insert "if".
2. Strike the period added to the last line
of the Kremer amendment.

LEGISLATIVE BILL 834. Placed on Select File as amended.
E & R amendment to LB 834:

1. In the title, line 3, strike "infants"
and insert "public welfare"; and strike line 4 and
"payments as prescribed" in line 5 and insert "increase
maximum payments for aid to dependent children".

LEGISLATIVE BILL 834A. Placed on Select File.

LEGISLATIVE BILL 977. Placed on Select File as amended.
E & R amendment to LB 977:

1. In the title, line 4, strike "and" and insert "aid".

LEGISLATIVE BILL 977A. Placed on Select File.

LEGISLATIVE BILL 1053. Placed on Select File as amended.
E & R amendments to LB 1053:

1. On page 8, line 2, insert "State" after "the".
2. On page 14, line 14, insert "State" after "The".
3. On page 23, line 21, insert "State" after "(1)".
4. On page 24, line 10, insert "Industrial Utilization" after "Products".
5. On page 26, line 9, insert "State" after "(1)".
6. On page 28, line 3, insert "Industrial" after "Products".
7. In committee amendment 1, Priority No. 4, line 4, strike "penal complex" and insert "Nebraska Penal and Correctional Complex"; and in the amendment, page 4, line 10, insert "State" after "the".
8. Insert the Hasebrock amendment after line 21 on page 17, and pursuant thereto on page 18, line 1, strike "17,018,971" and insert "17,343,971"; and in line 4, strike "17,740,101" and insert "18,065,101".

(Signed) John J. Cavanaugh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 721. With Emergency.

A BILL FOR AN ACT to amend sections 8-115.01, 8-124, 8-140, and 8-815, Revised Statutes Supplement, 1973, relating to banks and banking; to provide for hearings on charter applications without notice; to reduce the frequency of required examinations; to change the maximum loan that may be made to an active officer or employee; to permit personal loans by cooperative credit associations; to provide for orders and hearings under the Securities Act of Nebraska; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Luedtke	Maresh	Marsh	Moylan	Murphy
Nore	Proud	Rasmussen	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 4:

Cavanaugh	Fowler	R. Lewis	Richendifer
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Not voting, 6:

Kremer	F. Lewis	Mahoney	Marvel	Stromer
Waldron				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 877. Mr. Syas moved to return LB 877 to Select File for the following specific amendment:
Strike the enacting clause.

The motion lost with 17 ayes, 20 nays and 12 not voting.

Mr. Chambers moved to return LB 877 to Select File for the following specific amendment:

To strike new language on Page 3, Lines 1–7.

The motion prevailed with 26 ayes, 15 nays and 8 not voting.

LEGISLATIVE BILL 897. Mr. Cavanaugh moved to return LB 897 to Select File for the following specific amendment:

Pg. 11 line 17, after “office” add: “created by Act of the Legislature”

Line 18, strike: “a candidate for and”

Reinstate Line 17, through 22.

Pg 8, Reinstate Line 9, through 14.

Add Emergency Clause

Mr. Carpenter moved to suspend the rules to amend the Cavanaugh motion to return LB 897 to Select File and treat the bill as it was on General File.

The motion prevailed with 30 ayes, 8 nays and 11 not voting.

LEGISLATIVE BILL 983. Bracketed at the request of Mr. Stahmer.

LEGISLATIVE BILL 983A. Bracketed at the request of Mr. Stahmer.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly re-engrossed: 692, 821, 922 and 960.

The following bills were correctly engrossed: 782 and 861.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 1042. Placed on General File.

(Signed) Loran Schmit, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 160

March 25, 1974

Dear Senator Cavanaugh:

Your letter of March 21, 1974, to this office makes inquiry of our opinion of the effect of LB 783 on the last sentence of Section 53-177 of the Liquor Control Act.

The last sentence of the section 53-177 states, "No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state." The impact of the sentence is that beer for on sale only may be sold on a licensed premise that is within 300 feet of the campus of any college or university.

Section 1 of LB 783 strikes the above quoted sentence and adds the sentence, "Alcoholic liquor may be sold on the campus of any college or university in the State." The effect of this provision is to allow the sale of alcoholic liquor on college or university campuses but does not permit the consumption of alcoholic liquor on such campuses.

The Liquor Control Act is permissive legislation. If specific authorization is not given then the desired act may not be accomplished. Section 53-102 of the act provides; "No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act."

The purpose of the Liquor Control Act was to govern and control sale and use of alcoholic liquors. State v. Hash, 144 Neb 495, 13 NW 2d 716. Section 53-123.04 provides that a retailer's license shall allow the licensee to sell and offer for sale at retail in the original package or otherwise, as therein prescribed. Section 53-124 sets forth various types of licenses, on sale, off sale, by the drink, by the package.

Section 53-186 provides that there shall be no consumption of alcoholic liquor upon property owned by the State or any governmental subdivision unless authorized by the governing body having jurisdiction over such properties.

The amendment in section 1 of LB 783 would only permit the sale of alcoholic liquors and it would take affirmative action of the governing body of the respective college or university to permit both sale and consumption.

Yours very truly

CLARENCE A. H. MEYER
Attorney General

(Signed) Robert R. Camp

Assistant Attorney General

RRC:mif

cc: Vincent D. Brown

RESOLUTIONS

LEGISLATIVE RESOLUTION 135.

Introduced by Richendifer, 16th District.

WHEREAS, many citizens including parents of children of school age and some educators are discussing the lowering of the compulsory school attendance age from sixteen to fourteen years of age; and

WHEREAS, other citizens and educators are concerned about changes which are being proposed in the structure of the present system of common schools in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That an interim study be undertaken of the feasibility of the lowering the age of compulsory attendance in the common schools from sixteen to fourteen years of age.

2. That the study also include consideration of changing the structure of the common schools particularly the secondary schools to meet the changing needs of pupils because of the lowering of the majority age and the apparent earlier maturing of pupils.

3. That this interim study be conducted by the Education Committee and that it report to the Legislature its findings and recommendations upon its completion.

Referred to Executive Board.

INVITATION

Mr. Savage extended an invitation to the members on behalf of the Joslyn Memorial Trustees for a luncheon at the University Club today.

SELECT FILE

LEGISLATIVE BILL 877. The Chambers specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 877 to Select File

Mr. Chambers moved to return LB 877 to Select File for the following specific amendment:

[Page three, line 1, after "offices"]

Any person who holds himself or herself out as a candidate for elective office and receives contributions on that basis, shall file all financial reports as if he or she were a candidate.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 877. The Chambers above specific amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 897. The Cavanaugh specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-engrossment.

MR. DUIS PRESIDING

MOTION—Night Session

Mr. Luedtke moved that when we get ready to adjourn on Wednesday, March 27, we recess until 6:30 p.m., that evening and consider only the underlined bills on General File.

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The Luedtke motion prevailed with 27 ayes, 13 nays and 9 not voting.

MOTION—Suspend Rules

Mr. Maresh moved to suspend the rules to place LB 1049 after LB 1059 on General File. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

STANDING COMMITTEE REPORTS Government, Military and Veterans Affairs (Corrected Report)

LEGISLATIVE BILL 819. Placed on General File as amended.
Standing Committee amendments to LB 819:

1. On page 2 strike lines 23 to 27.
2. On page 3 strike line 1 and insert a new subsection (2)

as follows:

"(2) The judges shall on July 1 of every odd-numbered year by a majority vote select one of their number as presiding judge for the next two years, who shall preside at all hearings by the Court of Industrial Relations en banc, and shall assign the work of the court to the several judges and perform such other supervisory duties as the needs of the court may require. A majority of the judges of the court shall constitute a quorum to transact business. The act or decision of any three of the judges thereof shall in all cases be deemed the act or decision of the court."

3. On page 4, line 3 after the period insert "The clerk of the court shall administratively determine, prior to a hearing on the question of representation, the validity of the employee authorizations for representation by an employee labor organization."

4. On page 5 strike beginning with "by" in line 18 through the period in line 22 and show as stricken.

5. On page 6 strike beginning with "The" in line 9 through the period in line 11 and show as stricken and insert: "in such manner as the court shall provide for serving a copy of the petition and notice of filing upon the adverse party. An employer or labor organization may be served by sending a copy of the petition filed to institute the proceedings and a notice of filing, which shall show the filing date, by any form of mail requiring a signed receipt, addressed to a principal officer at the usual place of activity of the employer or labor or anization. Such employer or labor organization shall have twenty days after receipt of the petition and notice of filing in which to serve and file its response. When a petition is filed to resolve an industrial dispute, a hearing shall be held

within sixty days from the date of filing thereof, and an order made and entered thereon within thirty days after such hearing. The method of process provided in this section shall apply to suits naming the State of Nebraska or any of its departments as a party defendant. Any party, including the State of Nebraska or any of its departments or any political subdivision of the State of Nebraska, may waive such notice and may enter a voluntary appearance in any matter in the Court of Industrial Relations. Whenever the State of Nebraska or any of its departments is named as a party defendant, notice shall be mailed to the Governor and Attorney General and, in any action the subject matter of which in whole or in part relates to or grew out of the conduct of any special department or institution of the state, to the chief officer of such department or institution. The giving of such notice in such manner shall subject the employers, the labor organizations, and the persons therein to the jurisdiction of the Court of Industrial Relations."

6. On page 7 after line 14 insert two new sections to read as follows:

"Sec. 10. That section 48-838, Revised Statutes Supplement, 1972, be amended to read as follows:

48-838. (1) The court shall determine questions of representation for purposes of collective bargaining for and on behalf of employees, and shall make rules and regulations for the conduct of elections to determine the exclusive collective bargaining agent for employees; Provided, that in no event shall a contract between an employer and an exclusive collective bargaining agent act as a bar for more than three years to any other party seeking to represent employees, nor shall any contract bar for more than three years a petition by employees seeking an election to revoke the authority of an agent to represent them. The court shall certify the exclusive collective bargaining agent for employees affected by sections 48-801 to 48-823 following an election by secret ballot, which election shall be conducted according to rules and regulations established by the court.

(2) The election shall be conducted by one member of the court who shall be designated to act in such capacity by the presiding judge of the court, or the court may appoint the clerk of the district court of the county in which the principal office of the employer is located to conduct the election in accordance with the rules and regulations established by the court. The court shall also determine the appropriate unit for bargaining and for voting in the election, and in making such determination the court shall consider established bargaining units and established policies of the employer. It shall be presumed, in the case of governmental subdivisions such as municipalities, counties, power districts, or utility districts with no previous history of collective bargaining, that units of employees of less than departmental size shall not be appropriate.

(3) The court shall not order an election until it has determined that at least thirty per cent of the employees in an appropriate unit have requested in writing that the court hold such an election. Such request in writing by an employee may be in any form in which an employee specifically either requests an election or authorizes the employee organization to represent him in bargaining, or otherwise evidences a desire that an election be conducted. Such request of an employee shall not become a matter of public record. No election shall be ordered in one unit more than once a year.

(4) The court shall only certify an exclusive collective bargaining agent if a majority of the employees voting in the election vote for the agent. A certified exclusive collective bargaining agent shall represent all employees in the appropriate unit with respect to wages, hours, and conditions of employment; Provided, that such right of exclusive recognition shall not preclude any employee, regardless of whether or not he is a member of a labor organization, from bringing matters to the attention of his superior or other appropriate officials, and any employee may choose his own representative in any grievance or legal action, and such right of representation shall not preclude any employer from consulting with lawful religious, social, fraternal, or other similar associations on general matters affecting employees so long as such contracts do not assume the character of formal negotiations in regard to wages, hours, and conditions of employment. Such consultations shall not alter any collective bargaining agreement which may be in effect.

Sec. 11. That section 84-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-901. As used in sections 84-901 to 84-916:

(1) Agency means each board, commission, department, officer, division, or other administrative office or unit of the state government authorized by law to make rules, except the Adjutant General's office as provided in Chapter 55, the courts, including the Nebraska Workman's Compensation Court, the Nebraska Court of Industrial Relations, and the Legislature;

(2) Rule means any rule, regulation, or standard issued by an agency, including the amendment or repeal thereof whether with or without prior hearing and designed to implement, interpret, or make specific the law enforced or administered by it or governing its organization or procedure but not including regulations concerning the internal management of the agency not affecting private rights, private interests, or procedures available to the public, and not including permits, certificates of public convenience and necessity, franchises, rate orders, and rate tariffs, and any rules of interpretation thereof, and for the purpose of this act every rule which shall prescribe a penalty shall be presumed to have general applicability or to affect private rights and interests; and

(3) Contested case means a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing.”; in line 16 strike “and” and after “48-815,” insert “and 48-901,”; in line 17 after “48-804” insert a comma and strike “and” and after “48-813,” insert “and 48-838,”.

7. Renumber original sections 10 and 11 as sections 12 and 13 respectively.

(Signed) Ernest Chambers, Chairman

MOTION—Return LB 897 to Select File

Mr. Chambers moved to return LB 897 to Select File for the following specific amendment:

Strike the new language on page 9, lines 10–18.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 897. The Chambers above specific amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 131. E & R amendments found in this day’s Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 805. E & R amendments found in this day’s Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 834. E & R amendments found in this day’s Journal were adopted.

Laid over.

LEGISLATIVE BILL 834A. Laid over.

LEGISLATIVE BILL 977. E & R amendment found in this day’s Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 977A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1053. Laid over.

VISITORS

President Marsh introduced 21 Senior high school students and teacher from Beemer High School, Beemer, Nebraska; 42 Eleventh and Twelfth grade students and teachers from Newcastle High School, Newcastle, Nebraska.

RECESS

Mr. Savage moved to recess until 2:00 p.m.

Mr. Dickinson moved to amend the motion to recess until 1:30 p.m. The motion prevailed, as amended, with 14 ayes, 8 nays and 27 not voting.

The Legislature recessed at 11:56 a.m., until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Proud presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Stromer and Waldron who were excused.

GENERAL FILE

LEGISLATIVE BILL 1054. Title read. Considered.

MESSAGE FROM THE GOVERNOR

March 25, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

You have presented to me your appropriation committee's bill L.B. 997.

Since the measure is unacceptable and unconstitutional as evidence by the Attorney General's opinion attached, I am offering you the

opportunity to recall the measure for correction, or I shall have no alternative but to return the measure through the veto process.

In the interests of efficiency and responsibility, I suggest the Legislature return the bill to your Appropriations Committee for thorough review as to any possible unconstitutional provisions. The Constitution prevents inclusion of any language in any appropriations measure not dealing directly with appropriations.

Your unconstitutional actions are particularly called to your attention under Section 69. The Director of Administrative Services has previously alerted you, without success, to this inappropriate section which could cause doubling the physical size of state warrants and require an expensive, unnecessary, and unworkable wholesale change in the state's computer system.

Should you desire to dictate such ridiculous actions, you must do it in a separate bill and not in an appropriations measure.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

Enc.

Attorney General's Opinion

Director of Administrative Services letters of March 18, and 20, 1974

ATTORNEY GENERAL'S OPINIONS

March 25, 1974

Dear Governor Exon:

In your March 22 letter you ask about several provisions contained in L. B. 997, an appropriation bill. One section to which you call specific attention is section 69 of that bill, and you suggest that it may create new statutory requirements not properly a part of a bill enacted for the purpose of appropriating funds. For an example, the inclosures which you provided indicate that the phrase in that section which would direct that each warrant for the payment of funds "shall show on its face the specific fund or funds on which it is drawn and the exact amount to be charged against each individual fund," would require substantial changes in the existing accounting system, would be costly, and would necessitate that some warrants be approximately twice the size of present warrants. The quoted language would appear to go beyond the power of the Legislature, recognized in *State v. Board of Equalization and Assessment*, 185 Neb. 490, "to limit an appropriation in a specific manner," or to determine the objects on which an appropriation is to be expended. It could thus be argued that the language would conflict with the requirement of our

Constitution that, "Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject." (Sec. 22, Art. III)

Our Constitution also provides that, "no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed." The language quoted above from section 69 of the bill would appear to amend that part of section 81-1121 which gives to the Director of Administrative Services the "power to develop and implement a system of warrant preparation and issuance in accordance with acceptable accounting and internal control safeguards and by use of such mechanical means as may be most economical."

A similar objection could be raised to that part of section 69 of L. B. 997 which provides: "Vouchers for travel expenses shall be presented at the end of each calendar month and not later than ninety days after the expenses are incurred except as determined by the Director of Administrative Services to be an unavoidable delay." That language would purport to amend section 84-306.01 of our statutes, but without referring to that section and without repealing it.

One practical problem of putting such language in appropriation bills is the fact that such bills are in the nature of temporary laws. They are never placed with our permanent laws, but are only printed once, in the Session laws. Thus they do not come to the attention of persons having to deal with the government. Another example of this is the proviso contained in section 67 of the bill. It deals with gifts and bequests to the state, and should be in our permanent laws where it would come to the attention of persons contemplating such gifts and bequests. Incidentally, that language should also be correlated with sections 30-241 to 30-243 of our permanent laws, which already deal with the acceptance of bequests by the Governor. Nor do we have any laws dealing with the acceptance of gifts, as distinguished from devises in a will, and so presumably only the Legislature can accept gifts, and on such terms as they see fit.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:dj

March 18, 1974

Dear Senator Carpenter:

I am very concerned about the effect the amendment offered by you, LB 997 found on page 1016 of the Legislative Journal dated March 8, 1974, will have upon the orderly processing of State warrants.

As you may know, this information is all available now. All State warrants carry a specific voucher number and on this voucher it clearly

indicates which individual fund is being utilized. Therefore, it is my opinion that the amendment which you offered is not needed.

The amendment reads as follows:

(1) On page 56, line 4, strike "amount not" and insert "appropriate amount never"; and in line 6, insert "Each such warrant shall show on its face the specific fund or funds on which it is drawn and the exact amount to be charged against each individual fund, which information shall be utilized by the State Treasurer to determine the validity of the expenditures from the fund or funds named.", after the period.

To show "on its face the specific fund or funds on which it is drawn" will cause:

1. The re-programming of our Accounting system.
2. Cost in the tens of thousands of dollars.
3. Considerable time to implement.
4. If implemented, some warrants to be approximately twice the size of present warrants in order to have enough room on the warrant to print all of the fund numbers.

It is because of the above stated reasons, I request that you and the Legislature reverse their previous decision on this subject. But if it is still your desire to pursue this subject, I would strongly urge you to convene a meeting of all involved agencies before this requirement is imposed. This meeting should include the State Accountant, Data Processing Administrator, the State Treasurer, the State Auditor, members of the Legislature, representatives of the Legislative Fiscal Analysts office and myself.

I am sure that such a group can develop a more reasonable approach to solve whatever problem you wish to identify.

Sincerely,

(Signed) Stan Matzke, Director
Administrative Services

SM/kad

Enclosures

cc All Members of the Legislature
Eldin Ehrlich
Ray Johnson
Wayne Swanson

March 20, 1974

Dear Senator Carpenter:

On March 18, 1974, I wrote to you about my concerns regarding your amendment to LB 997.

It has now come to my attention that a similar requirement for printing fund numbers on the face of state warrants has been attached to LB 1054.

Again, I would like to express my deep concern over the complications that this requirement will bring.

I continue to offer my assistance to develop a more reasonable approach to solve whatever problem you seem to have identified.

Sincerely,

(Signed) Stan Matzke, Director
Administrative Services

SM/kad

cc All Members of the Legislature

Eldin Ehrlich

Ray Johnson

Wayne Swanson

MESSAGE FROM THE GOVERNOR

March 22, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills No. 625, 629, 733, 808, 812, 911, 942, 949, 951, 961, 1007, 1011, and 1015, and Reengrossed Legislative Bill No. 614.

These bills were signed by me on March 22, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

NOTICE OF COMMITTEE HEARING Committee on Committees

March 25, 1974

The Committee on Committees will meet at 8:00 AM, Tuesday, April 2, 1974, in the East Lounge, Room 2230, for the purpose of hearing

appointments submitted by Governor J. James Exon as follows:

David O. Coolidge
Board of Public Roads Classifications and Standards
Marvin Athey
Board of Public Roads Classifications and Standards
Charles Davey
Advisory Committee to the Department of Economic Development
William R. Hunter – Environmental Control Council
Dr. Anthony J. Catana – Environmental Control Council
James H. Walston – Environmental Control Council
Richard A. Veach – Environmental Control Council
Larry E. Donegan – Environmental Control Council

(Signed) Ramey C. Whitney, Chairman

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bill was correctly re-engrossed: 826.

The following bills were correctly engrossed: 1028 and 1028A.

Correctly Enrolled

The following bill was correctly enrolled: 721.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed: LB 721.

GENERAL FILE

LEGISLATIVE BILL 1054. Considered.

Mr. Marvel asked unanimous consent to print all proposed amendments to LB 1054 in the Journal. No objections. So ordered.

(1) Amendment to LB 1054 by Maresh

1) On page 54, line 9, strike "88,500" and insert "143,500"; on page 55, line 2, strike "9,880,130" and insert "9,935,130"; on line 6 strike "15,712,988" and insert "15,767,988"; on page 56, line 4, strike

"37,121,809" and insert "37,176,809"; and on line 8, strike "88,551,205" and insert "88,606,205"; on page 54, after line 9, insert the following: "There is included in the amount shown \$55,000 General Fund to be used in soybean research. The program effort should be directed in improving germ plasm characteristics and the identification of superior strains, selection and breeding techniques."

(2) Amendment to LB 1054 by Murphy

On page 56, after line 1, insert the following: "Included in the above are revolving funds that shall be used to match funds generated by the University of Nebraska Band on a 50-50 basis, for the purpose of funding the European Tour, and that such matching funds shall not exceed \$75,000."

(3) Amendment to LB 1054 by Rasmussen

1) On page 54, after line 24, insert the following:

District Weed Specialist - South	
Central Station	\$33,000
Weed Physiologist	30,000
Graduate Research	15,000"

On page 55, line 2, strike "9,880,130" and insert "9,958,130"; and on line 6, strike "15,712,988" and insert "15,790,988". Page 56, line 4 strike "37,121,809" and insert "37,199,809"; and on line 8 strike "88,551,205" and insert "88,629,205".

(4) Amendments to LB 1054 by Goodrich

1) On page 45, line 12, strike "1,174,303" and insert "1,199,303". Page 51, after line 19, insert the following:

"Para-Legal Training Program	25,000"
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and line 24, strike "17,216,935" and insert "17,241,935" and on page 52, line 1, strike "28,726,364" and insert "28,751,364". On page 56, line 4, strike "37,121,809" and insert "37,146,809" and in line 8 strike "88,551,205" and insert "88,576,205".

2) On page 57, line 10 strike "731,143" and insert "771,143". Page 62, after line 21, insert the following:

"Goodrich Plan	15,000
Para-Legal Training Program	25,000"

Page 62, line 26, strike "5,110,668" and insert "5,150,668" and on page 63, line 2, strike "10,933,265" and insert "10,973,265". Page 65, line 18, strike "8,975,079" and insert "9,015,079" and on line 22, strike "17,876,196" and insert "17,916,196".

3) On page 66, after line 12, insert the following:

"Laminer Flow Unit	160,000"
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On page 67, line 25, strike "10,684,529", and insert "10,844,529" and on page 68, line 2, strike "23,154,476, and insert "23,314,476". On page 70, line 16, strike "13,931,215" and insert "14,091,215" and on line 20 strike "40,167,400" and insert "40,327,400".

(5) Amendment to LB 1054 by Cavanaugh

Amend Legislative Bill 1054, Section 7, page 22, line 4, by striking the amount of "1,933,993" and inserting in lieu thereof the amount of "2,333,993." On line 6, strike the amount of "2,783,063" and insert in lieu thereof the amount of "3,358,063." On line 7, strike the amount of "4,748,412" and insert in lieu thereof the amount of "5,723,412." On page 25, line 4, strike the amount of "36,060,822" and insert in lieu thereof the amount of "36,460,822." On line 6 strike the amount of "64,976,320" and insert in lieu thereof the amount of "65,551,320." On line 7, strike the amount of \$112,852,098" and insert in lieu thereof the amount of "113,827,098."

(6) Amendment to LB 1054 by Cavanaugh

Amend Legislative Bill 1054, Section 7, page 17, line 22, by striking the words "direct purchase of". In line 23, strike the words "from vendors". On page 18, line 26, strike the words "purchase of".

(7) Amendment to LB 1054 by Simpson

1) On page 20, after line 14, insert the following:

"The Department of Public Welfare shall develop, with the assistance of the Nebraska Commission on Aging and the Department of Health, a general program of nutrition and food delivery service for the Nebraska senior citizens.

This food program should emphasize the home delivery or congregate meals currently available and such other programs that will assist the Nebraska senior citizen to be nutritionally well fed."

(8) Amendments to LB 1054 by Carpenter

1) On page 73, after line 17, insert the following:

"The Director and Administrator shall develop, with the assistance of user agencies, a state plan for computerization which shall include such components as will effectively meet the needs of state agencies, boards, and commissions. Such plan shall be filed, along with the budget request, by the administrator. The plan shall be renewed annually and include, but not be limited to, the following components:

- (a) Application and scope of computer net work system;
- (b) Definition of standards and common data elements;
- (c) Program continuation requirements;
- (d) Workload expansion requirements;
- (e) New program requirements;
- (f) Scope of services provided centrally; and
- (g) Scope of services provided remotely or through additional computer locations.

The Director and Administrator shall review and approve all proposals for equipment and system modifications, whether purchased, leased, or rented, for all state agencies, boards, and commissions, to insure that such proposals are within the scope of the state plan for electronic data processing.

The Administrator shall maintain a current inventory of all data processing equipment and system applications, along with indicators of utilization.

The Director and Administrator shall make no acquisition or replacement of new or existing computer equipment unless such acquisition or replacement is consistent with the state plan for computerization."

2) On page 31, after line 12, insert the following:

"The Board of Trustees of the Nebraska State Colleges shall not purchase, lease, or rent any data processing equipment until it shall be determined, with the assistance of the data processing administrator, that such purchase, lease, or rental is in compliance with the state plan for computerization."

3) On page 71, after line 17, insert the following:

"The Board of Regents of the University of Nebraska shall not purchase, lease, or rent any data processing equipment until it shall be determined, with the assistance of the data processing administrator, that such purchase, lease, or rental is in compliance with the state plan for computerization."

(9) Amendments to LB 1054 by Carpenter

2 1. On page 85, after line 13, insert 3 new
3 sections to read as follows:

4 "Sec. 30. That section 81-153, Reissue Revised
5 Statutes of Nebraska, 1943, be amended to read as
6 follows:

7 81-153. The materiel division shall have the
8 power and duty to:

9 (1) Purchase or contract for, in the name of the
10 state, the articles required by the using agencies and
11 the state;

12 (2) Promulgate, apply and enforce standard
13 specifications established as provided in section 81-154;

14 (3) Sell and dispose of personal property that is
15 not needed by the state or its using agencies as provided
16 in section 81-161.04;

17 (4) Determine the service, quality, fitness and
18 suitability of all articles tendered or furnished, and
19 for such purposes, make use of the existing laboratories
20 maintained by the state and establish a list of other
21 public or private laboratories the tests and analyses of
22 which will be acceptable;

23 (5) Fix the fees required to be paid for tests or
24 analyses made in any state laboratory;

1 (6) Make rules and regulations not inconsistent
2 with sections 81-145 to 81-163, to carry into effect the
3 provisions thereof; ~~and~~

4 (7) Appoint such clerical, technical and other
5 assistants as may be necessary to properly administer
6 this act, fix their compensation and prescribe their
7 duties in connection therewith, subject to existing laws
8 and appropriations made therefor; and

9 (8) Negotiate purchase and contracts when
10 conditions exist to defeat the purpose and principles of
11 public competitive bidding.

12 Sec. 31. That section 81-1118, Reissue Revised
13 Statutes of Nebraska, 1943, be amended to read as
14 follows:

15 81-1118. The purchasing division of the
16 Department of Administrative Services is hereby
17 transferred into the materiel division of the Department
18 of Administrative Services, which is hereby established,
19 and shall be managed by the materiel administrator who
20 shall assume the former role of Purchasing Agent.

21 There is hereby established the following five
22 bureaus of the materiel division of the Department of
23 Administrative Services which shall have the following
24 duties, powers and responsibilities:

25 (1) Central stores bureau shall be responsible
26 for general stores, food, scientific, photo, visual aids
27 material and the book stores. In addition, the central
1 stores bureau shall keep inventory control records,
2 requisition material from the purchasing bureau and
3 dispose of surplus material;

4 (2) The traffic bureau shall be responsible for
5 the transportation of material, tracking shipments and
6 making freight claims;

7 (3) The reproduction services bureau shall be
8 responsible for specifications and for receiving bids and
9 placing orders to the lowest and best commercial bidder
10 for all printing, reproduction and mailing operations for
11 the state, with the exception of printing work produced
12 on copying and mimeograph machines. The reproduction
13 services bureau shall also be responsible for
14 coordinating all existing printing, reproduction and
15 mailing operations of the state which shall be limited to
16 existing state facilities;

17 (4) The standards and specifications bureau shall
18 be responsible for establishing guidelines as to the
19 quality of items purchased unless otherwise provided for
20 by law; and

21 (5) The purchasing bureau shall be responsible
22 for all purchases by all state agencies. All purchases
23 of materials, supplies, equipment or contractual services
24 shall be made in the following manner, except in
25 emergencies approved by the Governor:

26 (a) By a competitive formal sealed bidding
27 process through the materiel division in all cases in
1 which the purchases are of estimated value in the amount
2 of five thousand dollars, or more;

3 (b) By a competitive informal bidding through the
4 materiel division in all cases in which the purchases are
5 of estimated value equal to or exceeding twenty five hundred
6 dollars but less than five thousand dollars;

- 7 (c) By unrestricted open market purchases through
 8 the materiel division in all cases in which purchases are
 9 of estimated value of less than twenty five hundred dollars;
 10 and
 11 (d) All requisitions for whatever purpose coming
 12 to the purchasing bureau shall be in conformance with the
 13 approved budget of the requisitioning department or
 14 agency.
 15 Sec. 32. That original sections 81-153 and
 16 81-1118, Reissue Revised Statutes of Nebraska, 1943, are
 17 repealed."
 18 2. Renumber original section 30 as section 33.

(10) Amendment to LB 1054 by Carpenter

CARDIOVASCULAR

Page 66, line 13, strike "417,638", and insert "600,000".
 On Page 67, line 25, strike "10,684,529" and insert \$10,866,891"
 and on Page 68, line 2, strike "23,154,476" and insert "23,336,838."
 On Page 70, line 16, strike "13,931,215" and insert "14,113,577" and
 Line 20, strike "40,167,400" and insert "40,349,762."

(11) Amendment to LB 1054 by Kennedy

1) On page 3 of the Standing Committee Amendments, after line 4, insert the following:

"The amounts shown include \$4,105,600 total funds for Hastings Regional Center, \$2,903,500 total funds for Norfolk Regional Center, and \$4,261,900 total funds for Lincoln Regional Center."

(12) Amendment to LB 1054 by Barnett

Section 7, Agency 26
 Department of Public Welfare

Page 24, Line 1

Change the word, "plan," to "planner."

Change the word, "coordinated," to "designated."

Page 24, Line 2

Remove the entire line, plus "and Programming" on Line 3. Substitute "Department of Public Welfare."

It now reads, "The statewide planner is to be designated by the Department of Public Welfare."

Page 24, Line 3

Change the word, "involved," to "consulted."

Page 24, Line 4

Add the words, "Office of Program and Planning" after "University of Nebraska."

It now reads, "Agencies to be consulted in the plan include: University of Nebraska, Office of Program and Planning, Department of Public Welfare, ..."

Page 24, Line 18

After the word, "of," add the word, "one."

Page 24, Line 19

Change "homes" to "home." After the new word, "home," add "with others."

It now reads, "... for the expansion of one group home with others following the development of a statewide plan ..."

Page 24, Line 16

After the word, "system," add "The Department of Welfare shall hold six regional meetings for citizens to express ideas, concerns and expressions relating to juvenile services, one meeting each in Scottsbluff, North Platte, Grand Island, Norfolk, Lincoln and Omaha at times to be designated."

(13) Amendment to LB 1054 by Anderson

On page 35, after line 18 insert the following paragraph:

"Kearney State College is authorized to develop a curriculum for nursing education at the baccalaureate degree level. Expenditures for this activity shall not exceed \$35,000, shall be made only after programmatic priorities have been established, and shall be made available through an internal reallocation of resources from the continuation base. It is the intent of the Legislature that all activities in this regard be performed with due consideration for the comprehensive plan for nursing education referred to in Sec. 16 Program 731 of this act."

(14) Amendment to LB 1054 by Burbach

1) On page 54, after line 24, insert the following:

"Farm Management Specialist	28,400
District Entomologist	22,500"

On page 55, line 2, strike "9,880,130" and insert "9,931,031"; and on line 6, strike "15,712,988" and insert "15,763,888". Page 56, line 4, strike "37,121,809" and insert "37,172,709"; and on line 8, strike "88,551,205" and insert 88,602,105".

(15) Amendment to LB 1054 by Luedtke

Amend LB 1054, Section 8, line 20 by adding after the word "plan" "as submitted to the Eighty-third Legislature First Session, by the Nebraska Law Enforcement and Criminal Justice Advisory Committee."

UNANIMOUS CONSENT—Member Excused

Mr. Kremer asked unanimous consent to be excused Friday, March 29. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 25, 1974, at 3:10 p.m., was the following: LB 721.

(Signed) Barbara Jackson, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 136.

Introduced by Fellman, 4th District; C. Carsten, 2nd District; Anderson,

37th District; F. Carstens, 30th District; Fowler, 27th District; Hasebroock, 18th District; Wiltse, 1st District; Burbach, 19th District; Luedtke, 28th District; Johnson, 15th District; Maresh, 32nd District; Whitney, 44th District; Stull, 49th District; Moylan, 6th District; Marsh, 29th District; Barnett, 26th District; Murphy, 17th District; Kelly, 35th District; Warner, 25th District; F. Lewis, 45th District; DeCamp, 40th District; Goodrich, 20th District; Stahmer, 8th District; Skarda, 7th District; Simpson, 46th District.

WHEREAS, one of the great industries in Nebraska is the production of honey; and

WHEREAS, this industry came to Nebraska in the covered wagon era and has grown and thrived amidst our rich and fertile soil; and

WHEREAS, the honey bee itself has always been recognized as a species to be protected in and by this state and its contribution to this state is without measure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That this Legislature recognize the honey bee as a prime asset of the state.

2. That this Legislature hereby recognize the honey bee as the Nebraska State Insect.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 877. Replaced on Select File as amended.
E & R amendment to LB 877:

(Note: The Chambers and E & R amendments refer to the Final Reading Bill.)

1. Insert the new matter added by the Chambers amendment after the period on page 3, line 1; in line 4 thereof strike the comma; and in line 5 insert "required by law" after "reports".

LEGISLATIVE BILL 897. Replaced on Select File as amended.
E & R amendments to LB 897:

(Note: All amendments refer to the Final Reading Bill.)

1. Because of the Cavanaugh amendments to page 8, and the Chambers amendment to page 9, strike sections 7 and 8 and renumber sections 9 to 17 as sections 7 to 15.

2. In lieu of the Cavanaugh amendments to page 11, on page 11 reinstate the stricken matter in lines 17 to 22; at the end of line 17 insert "created by act of the Legislature"; and in line 18 strike the reinstated "a candidate for and" and show as stricken.

3. On page 17, line 14, strike "32-430.01,"; and in line 15 strike "sections 32-425 and" and insert "section".

4. Add a new section to read:

"Sec. 16. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

5. In the title, line 3, strike "32-430.01,"; in lines 4 and 5 strike "sections 32-425 and" and insert "section"; in line 11 insert "to provide for vacancies in office and on the ballot;" after the semicolon; in line 15 strike "and"; and in line 21 insert "; and to declare an emergency" after "1973".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Print Amendment to LB 1042 in Journal

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 1042 in the Journal. No objections. So ordered.

1. On page 2, line 11, strike "and"; in line 13, strike the period and insert "; and"; and insert a new subdivision to read:

"(3) Slaughter livestock shall mean beef cattle."

ADJOURNMENT

At 4:00 p.m., on a motion by Mr. Stull, the Legislature adjourned until 9:00 a.m., Tuesday, March 26, 1974.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FIRST DAY—MARCH 26, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 26, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Proud presiding.

PRAYER

The Prayer was offered by the Chaplain.

Eternal God, we are grateful for the changing seasons; that out of the storms and clouds come calmness and sunlight; out of the seemingly dead soil spring flowers and shrubs, giving beauty and glow to our land. As we sow, so shall we reap. May we plant certain spiritual seeds in our lives and cultivate these through all seasons: faith, which buds forth in confidence; trust, steadfastness, hope, whose seeds burst forth with optimism, vision and stability; love, the eternal bulb, flowering forth into creative goodwill, harmony and endurance. May we cultivate our inner gardens as carefully as we can, that our lives may bring forth good fruit. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Waldron who was excused, and Mr. Chambers who was absent until 9:45 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fiftieth Day was approved.

MESSAGE FROM THE GOVERNOR

March 25, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 772 without my signature and with my objections.

The majority of the Legislature is proposing in LB 772 to make a major and significant change in Nebraska taxation policy. While emphasizing the worthy goal of "state aid," the measure is replete with shortcomings since it does not address itself to fair tax reform at the same time, which I have always insisted upon.

This is a \$160 million plus tax bill misnomered as state aid to education.

Herewith I summarize some of my objections:

1. A dramatic jump of 40% in the state sales tax to at least 3 1/2% which would result in a 4 1/2% tax in Lincoln and Omaha. Likewise, an initial 36% increase in the state income tax to 15%.

These are minimum quotations to finance LB 772 only. Depending upon legislative appropriations and tax actions, we could well see a 4% state sales tax (5% in Lincoln and Omaha), and a 20% state income tax next year.

2. The measure would result in a massive shift of the tax burden to those with the least ability to pay. It rewards magnificently those with the largest and most valuable holdings, including large corporations, but penalizes the average Nebraskan. The more property you own, the favored treatment you receive.

LB 772 is especially cruel to that one-third of our people who rent. You have ignored what other state legislatures have done by providing no tax rebates to renters. Here is a group you are forcing more sales and income taxes upon without providing any relief. The measure is especially unfair to Nebraska minority groups who are primarily renters.

3. The bill would further erode local control of education.

4. LB 772 is grossly unfair to some of our rural areas without political clout in the Legislature. Some of the specifics of the act are cleverly designed to provide additional special monies to some K-12 districts, but K-8 districts are specifically excluded. The measure also is unfair to Class VI consolidated high schools.

5. The Legislature is actually delegating appropriations ability to the school districts throughout the state.

6. The possible unconstitutional problems as outlined in the Attorney General's opinion attached hereto.

You have ignored my reasonable suggestions on state aid and have refused to allow the people the opportunity to vote on this proposition in November elections.

LB 772 is an unfair multi-million dollar tax increase bill, and should never become law under any circumstances.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINION

March 25, 1974

Dear Governor Exon:

In your letter of March 22, 1974, you asked us for an opinion as to the constitutionality or other problems which we might find with respect to L.B. 772. This is a quite lengthy and very complex piece of legislation, and it is virtually impossible for us to anticipate all of the ramifications that may develop when the bill is implemented which may lead to attacks upon its constitutionality.

We will point out a few problem areas, without reaching a definite conclusion as to constitutionality. We call your attention first to section 9 of the bill. This section allocates five million dollars per year for by the State Board of Education to school districts experiencing hardship occasioned by an abnormal increase or decrease in enrollment. There could be a possible attack upon this section as being vague and uncertain. What is an "abnormal" increase or decrease in enrollment? This term is not defined, and there could well be a serious dispute as to its meaning. Furthermore, there are no directions contained in the bill instructing the State Board of Education as to the amount of the relief to be given to school districts qualifying for the benefits of that section. Are the allocations to be for the entire cost occasioned by the abnormal increase or decrease, or only a proportion thereof? We find no answer to this question either. There could well be an attack upon the validity of that section.

Section 11 provides that no school district shall introduce any new programs during the 1974-77 period except upon the unanimous vote of the school board, or a majority vote of the electors at a general or special school election. It would appear that the introduction of new educational programs is an administrative function of the school board involved, and this section might be held to be a legislative intrusion into the administrative field. It is difficult for us to say categorically that it is, since provision is made for such new programs by unanimous consent, or majority vote of the electors. Nevertheless, it is a severe limitation upon the power of the board, and is somewhat questionable. Also, there may be a question of vagueness, since it would frequently be difficult to determine what is a new program, and what is simply a modification or expansion of an existing program.

Section 13 provides for a supplementary allocation by the State Board of Education to those school districts whose state aid received under Sections 6 and 7 of the act is less than 35 percent of their current operational expenditures. However, this supplementary allocation is limited to school districts offering instruction in grades kindergarten to twelve. The question of classification arises with respect to this provision. There may be a reasonable justification for excluding those school districts

which do not offer instruction in all grades, but this justification is not readily apparent to us, and this provision might be successfully attacked as unreasonable class legislation.

We call your attention to the fact that the bill contains a severability clause. Within the time limitations with which we are operating, we are unable to give you a firm conclusion as to the constitutionality of even those provisions which we have called to your attention. None of the provisions we have mentioned would, in our opinion, invalidate the entire bill, in view of the severability clause.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan

Assistant Attorney General

RHG:smh

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 131. Replaced on Select File as amended.
E & R amendment to LB 131:

1. In the Richendifer amendment, line 5, insert
“on the dollar” after “mills”.

Correctly Engrossed

The following bills were correctly engrossed: 805, 977, and 977A.

(Signed) John J. Cavanaugh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 499.

A BILL FOR AN ACT to adopt the Vietnam Veterans Education Loan Act of 1973.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass?’ ”

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Clark	DeCamp	Dickinson

Duis	Epke	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Whitney

Voting in the negative, 0.

Not voting, 4:

Chambers	Fellman	Waldron	Wiltse
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 499A.

A BILL FOR AN ACT to appropriate one hundred fifty thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Veterans' Affairs, Agency No. 28, for Program 36, Departmental Administration, to aid in carrying out the provisions of Legislative Bill 499, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Clark	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Kelly	Kennedy
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Whitney

Voting in the negative, 0.

Not voting, 9:

Carpenter	Chambers	DeCamp	Dickinson	Johnson
Keyes	Rasmussen	Waldron	Wiltse	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 602.

A BILL FOR AN ACT to amend sections 72-1101, 72-1103, 72-1108, 72-1109, 72-1114, 72-1115, 72-1116, 72-1117, 72-1118, and 72-1119, Reissue Revised Statutes of Nebraska, 1943, relating to public buildings; to extend the application of and modify regulations; to provide for an advisory committee as prescribed; to define terms; to provide penalties; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Anderson	Barnett	Burbach	Carpenter	F. Carstens
Cavanaugh	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Keyes	Kime
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Moylan	Murphy	Proud	Richendifer	Savage
Schmit	Simpson	Stahmer	Stromer	Warner

Voting in the negative, 11:

Clark	DeCamp	Dickinson	Kelly	Kennedy
Kremer	R. Lewis	Nore	Rasmussen	Snyder
Stull				

Not voting, 8:

C. Carsten	Chambers	Marvel	Skarda	Syas
Waldron	Whitney	Wiltse		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 710.

A BILL FOR AN ACT to amend section 48-122, Revised Statutes Supplement, 1973, and section 48-121, Revised Statutes Supplement, 1973, as amended by section 1, Legislative Bill 808, Eighty-third Legislature, Second Session, 1974, relating to workmen's compensation; to increase weekly benefits; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Whitney

Voting in the negative, 0.

Not voting, 4:

Chambers	Murphy	Waldron	Wiltse
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 789. With Emergency.

A BILL FOR AN ACT to amend sections 44-1620, 44-1623, 44-1624, 44-1625, 44-1626, 44-1627, and 44-1628, Revised Statutes Supplement, 1973, relating to group insurance; to clarify terms; to provide for part-time employees; to change financing provisions; to provide for payroll deductions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Chambers Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 790.

A BILL FOR AN ACT to amend sections 84-142 to 84-150, Reissue Revised Statutes of Nebraska, 1943, relating to planning; to define and redefine terms; to provide for regions; to change planning provisions; to provide for state financial assistance to councils of governments as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	C. Carsten	F. Carstens	Cavanaugh
DeCamp	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Kelly	Keyes
Kime	Kremer	F. Lewis	Luedtke	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 3:

Burbach Clark Stull

Not voting, 7:

Carpenter	Chambers	Johnson	Kennedy	R. Lewis
Mahoney	Waldron			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 790A.

A BILL FOR AN ACT to appropriate one hundred twenty-four thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Administrative Services, Agency No. 65 for

Program 509, Budget and Planning, to aid in carrying out the provisions of Legislative Bill 790, Eighty-third Legislature, Second Session, 1974.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Keyes
Kime	Luedtke	Mahoney	Maresh	Marsh
Marvel	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 6:

Burbach	Clark	DeCamp	Kelly	R. Lewis
Stull				

Not voting, 6:

Chambers	Kennedy	Kremer	F. Lewis	Moylan
Waldron				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 921.

A BILL FOR AN ACT to amend sections 39-722.01, 39-723.06, and 39-723.07, Revised Statutes Supplement, 1973, section 39-6,108, Revised Statutes Supplement, 1973, as amended by section 11, Legislative Bill 829, Eighty-third Legislature, Second Session, 1974, and section 39-723.05, Revised Statutes Supplement, 1973, as amended by section 3, Legislative Bill 593, Eighty-third Legislature, Second Session, 1974, relating to rules of the road; to provide for special truck permits; to extend provisions for the posting of bonds; to change penalties; to change overweight provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Luedtke	Maresh	Marsh
Moylan	Murphy	Nore	Proud	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 1:

F. Lewis

Not voting, 7:

Anderson	Dickinson	Mahoney	Marvel	Rasmussen
Richendifer	Waldron			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 995.

A BILL FOR AN ACT relating to counties; to provide a civil service system as prescribed for employees of counties having a population of one hundred fifty thousand to three hundred thousand inhabitants; to define terms; to provide for duties and powers; to provide penalties; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Anderson	Barnett	F. Carstens	Cavanaugh	Chambers
DeCamp	Dickinson	Duis	Fellman	Fowler
Goodrich	Hasebroock	Kelly	Keyes	Kremer
F. Lewis	Luedtke	Maresh	Marsh	Murphy
Nore	Savage	Simpson	Stahmer	Stromer
Stull	Warner			

Voting in the negative, 7:

Burbach	Clark	R. Lewis	Richendifer	Schmit
Snyder	Whitney			

Not voting, 15:

Carpenter	C. Carsten	Epke	Johnson	Kennedy
Kime	Mahoney	Marvel	Moylan	Proud
Rasmussen	Skarda	Syas	Waldron	Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1003.

A BILL FOR AN ACT to amend sections 81-1321, 81-1322, and 81-1325, Revised Statutes Supplement, 1973, relating to state employees; to redefine a term; to provide for reinstatement of sick leave; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Whitney

Voting in the negative, 0.

Not voting, 4:

Carpenter	Richendifer	Waldron	Wiltse
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1004.

A BILL FOR AN ACT to amend sections 60-452.01 and 60-456, Revised Statutes Supplement, 1972, and section 60-458, Revised Statutes Supplement, 1972, as amended by section 6, Legislative Bill 905, Eighty-third Legislature, Second Session, 1974, relating to the Nebraska

State Patrol; to eliminate the twenty-year limitation on the widow's benefit as prescribed; to redefine disability; to accelerate eligibility for the deferred annuity; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stromer	Stull	Syas	Warner	Whitney

Voting in the negative, 0.

Not voting, 4:

Carpenter	Stahmer	Waldron	Wiltse
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1024. With Emergency.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-308, Reissue Revised Statutes of Nebraska, 1943; to provide establishment of departments and offices by ordinance; to provide for the position of administrator; to provide that the office of administrator may be held by the mayor as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Clark	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Johnson	Kelly
Keyes	Kremer	R. Lewis	Luedtke	Mahoney

Maresh	Marsh	Moylan	Murphy	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 3:

DeCamp	F. Lewis	Nore
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Not voting, 8:

Carpenter	Chambers	Hasebroock	Kennedy	Kime
Marvel	Stahmer	Waldron		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Unbracket LB 983 and 983A

Mr. Stahmer asked unanimous consent to unbracket LB 983 and 983A on Final Reading. No objections. So ordered.

MOTION—Return LB 983 to Select File

Mr. Stahmer moved to return LB 983 to Select File for the following specific amendments:

1. In the Final Reading bill, page 7, strike the sentence beginning in line 20; and in line 26 insert "of the Military Department" after "activities".

2. In the title as amended, strike line 11 and insert "provide for recruitment and strength maintenance activities;"

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

MOTION—Return LB 983A to Select File

Mr. Stahmer moved to return LB 983A to Select File for the following specific amendments:

1. In the Final Reading bill, page 2, line 6, strike "carrying out the provisions of" and insert "the payment of enlistment and reenlistment bonuses as provided in".

2. Insert a new section to read:

"Sec. 2. There is hereby appropriated from the General Fund the sum of fifty thousand dollars, or

so much thereof as may be necessary, to the Military Department, Agency No. 31 for Program 544, National and State Guard and General Support, for the fiscal year beginning July 1, 1974, and ending June 30, 1975, for the purpose of recruitment and strength maintenance activities as authorized in Legislative Bill 983, Eighty-third Legislature, Second Session, 1974.”.

3. Renumber sections 2 and 3 as sections 3 and 4.

4. In the title, line 2, insert “fifty” after “hundred”.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

MOTION—Return LB 826 to Select File

Mr. Barnett moved to return LB 826 to Select File for the following specific amendments:

1. On page 16, line 12, after the period add the following: “All funds in the Electrical Division Fund shall be held by the State Treasurer until further direction by the Legislature.”.

2. On page 16, line 14 after the first comma insert: “and sections 81-553 to 81-570 and amendments thereto,”.

The motion prevailed with 26 ayes, 1 nay and 22 not voting.

MOTION—Suspend Rules

Mr. Syas moved to suspend the rules to strike LR 136 from the Journal.

Mr. Syas asked unanimous consent to withdraw his motion. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 983. The Stahmer specific amendments found in this day’s Journal were adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 983A. The Stahmer specific amendments found in this day’s Journal were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

MR. WHITNEY PRESIDING

LEGISLATIVE BILL 826. The Barnett specific amendments found in this day's Journal were adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 834A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 897. E & R amendments found in the Journal on page 1324 for the Fiftieth Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 877. E & R amendments found in the Journal on page 1324 for the Fiftieth Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 1053. E & R amendments found in the Journal on page 1303 for the Fiftieth Day were adopted.

The Richendifer amendment found in the Journal on page 1298 was adopted with 25 ayes, 0 nays and 24 not voting.

SPEAKER PROUD PRESIDING

The Carpenter amendment found in the Journal on page 1296 and top of page 1297 was renewed.

Mr. Burbach offered the following amendment to the Carpenter amendment which was adopted with 28 ayes, 6 nays and 15 not voting.

Strike "1,000,000" and insert "200,000 for sales tax audits" and "300,000 for income tax audits"

Mr. Carpenter requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 28:

Anderson	Barnett	Burbach	Carpenter	C.Carsten
F. Carstens	Cavanaugh	DeCamp	Epke	Fellman
Fowler	Hasebroock	Johnson	Keyes	F. Lewis
Luedtke	Mahoney	Maresh	Moylan	Nore
Proud	Savage	Schmit	Skarda	Snyder
Stull	Syas	Wiltse		

Voting in the negative, 12:

Dickinson	Kelly	Kime	R. Lewis	Marsh
Marvel	Murphy	Rasmussen	Richendifer	Simpson
Stahmer	Whitney			

Not voting, 9:

Chambers	Clark	Duis	Goodrich	Kennedy
Kremer	Stromer	Waldron	Warner	

The amendment was adopted with 28 ayes, 12 nays and 9 not voting.

MOTHER OF YEAR PROGRAM

Speaker Proud appointed Mrs. Marsh, and Messrs. Clark and Luedtke to escort the Mother of the Year, Mrs. Harold Stebbins; Young Mother of the Year, Mrs. Carol White and guests to the rostrum.

Lt. Governor Marsh introduced Mrs. Ralph Hill, Chairman of the Mother of the Year Committee.

Mrs. Hill introduced Mrs. White and Mrs. Stebbins. Mrs. Stebbins spoke to the members briefly.

The Committee escorted the guests from the Chamber.

MESSAGE FROM THE GOVERNOR

March 25, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 622, 644, 763, 775, 788, 865, 865A, 876, 890, 905, 919, and 1001.

These bills were signed by me on March 23, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT FILE

LEGISLATIVE BILL 1053. The Carpenter amendments found in the Journal on page 1297 and top of page 1298 were renewed.

Mr. Carpenter offered the following amendment to his amendment which was adopted with 15 ayes, 8 nays and 26 not voting.

(2) Page 18 Strike "15" insert 17 Strike 3

Amendment pending, as amended.

Mr. Carpenter asked unanimous consent to have the following proposed amendment to LB 1053 printed in the Journal. No objections. So ordered.

Amendment to LB 1053

1) On page 23, after line 14, insert a new section and renumber original sections:

"Sec. 13. That section 57, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Sec. 57. Agency No. 84 -- Department of Environmental Control

(1) Program No. 513 -- Environmental Control

GENERAL FUND	~~387,494~~	<u>413,229</u>
FEDERAL FUND est.	~~570,911~~	<u>601,488</u>
PROGRAM TOTAL	~~958,405~~	<u>1,014,717</u>

(2) Program No. 518 -- Waste Water Treatment Facilities

It is intended that this program be administered on a "Cash Flow" basis utilizing the existing General Fund balance to meet payout requirements as they occur. The director is hereby authorized to make state allocations concurrent with any federal grant to political subdivisions for the construction of waste water treatment facilities in accordance with existing statutes. Such state allocations shall contain a provision that the grant of the amount allocated is conditional upon the availability of appropriated funds. The Director shall submit to the Governor and the Legislature a semiannual report beginning on July 1, 1974, containing information which shows the financial status of the program including a statement of the fund balance, all conditional grants made, and the necessary appropriations required to meet those grants.

The unexpended General Fund balance existing on June 30, 1974, is hereby reappropriated.

(3) Program No. 602 -- Keep Nebraska Beautiful

GENERAL FUND	11,134
PROGRAM TOTAL	11,134

For Informational Purposes Only: Total Appropriations to Agency No. 84 and Fund Source

GENERAL FUND	~~398,628~~	<u>424,363</u>
FEDERAL FUND est.	~~570,911~~	<u>601,488</u>
AGENCY TOTAL	~~969,539~~	<u>1,025,851</u>

Mr. Burbach asked unanimous consent to have the following proposed amendment to LB 1053 printed in the Journal. No objections. So ordered.

1) On page 18, before line 17, insert the following:

"There is hereby appropriated \$1,000,000 from the Highway Cash Fund - Fund No. 2270, to the State Recreation Road Fund - Fund No. 2672."

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 499, 499A, 602, 710, 789, 790, 790A, 921, 995, 1003, 1004 and 1024.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 499, 499A, 602, 710, 789, 790, 790A, 921, 995, 1003, 1004 and 1024.

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Syas asked unanimous consent for the Constitutional Revision and Recreation Committee to use the East Chamber on Thursday, March 28, at 12:45 p.m. for their hearing. No objections. So ordered.

RECESS

At 12:00 noon, on a motion by Mr. C. Carsten, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Proud presiding.

ROLL CALL

The roll was called and all members were present.

SELECT FILE

LEGISLATIVE BILL 1053. Mr. Carpenter renewed his amendment, relating to page 23 of the bill, found in this day's Journal.

The amendment was adopted with 26 ayes, 1 nay and 22 not voting.

MOTION—Return LB 877 to Select File

Mr. Mahoney moved to return LB 877 to Select File for the following specific amendment:

Strike the underlined language at the bottom of page 4 and top of page 5 (yellow copy of bill).

Mr. Mahoney moved for a Call of the House. The motion prevailed with 19 ayes, 5 nays and 25 not voting.

The Call showed 38 members present.

Mr. Mahoney moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 3 not voting.

The motion to return LB 877 to Select File prevailed with 26 ayes, 11 nays and 12 not voting.

SELECT FILE

LEGISLATIVE BILL 877. The Mahoney specific amendment found in this day's Journal was adopted with 25 ayes, 11 nays and 13 not voting.

Advanced to E & R for Re-Engrossment.

STANDING COMMITTEE REPORTS
Committee on Committees

March 26, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Carlin Whitesell

Advisory Committee to the Department of Economic Development

No one appeared either in favor or opposition to the appointment of Mr. Whitesell.

Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Nore, Snyder, Stull, Whitney & Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Epke, Luedtke, Stahmer and Stromer.

Ronald J. Mertens

Director, Department of Economic Development

No one appeared either in favor or opposition to the appointment.

Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Nore, Snyder, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Epke, Luedtke, Stahmer and Stromer.

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman

March 26, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Richard L. DeBacker—Court of Industrial Relations

No one appeared either in favor or opposition to this appointment.

Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Nore, Snyder, Stull, Whitney & Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Epke, Luedtke, Stahmer and Stromer.

Herman A. Brockmeier—State Personnel Board

No one appeared either in favor or opposition to this appointment.

Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Nore, Snyder, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Epke, Luedtke, Stahmer and Stromer

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman

March 26, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Herbert G. Andrews

Motor Vehicle Industry Licensing Board

No one appeared either for or against this appointment.

Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Nore, Snyder, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Epke, Luedtke, Stahmer and Stromer

Walter R. Louis
Motor Vehicle Industry Licensing Board

No one appeared either for or against this appointment.

Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Nore, Snyder, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Epke, Luedtke, Stahmer, and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman

March 26, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointment be confirmed by the Legislative Body and suggests a record vote:

Everett A. Lillich - State Highway Commission

No one appeared in favor or in opposition to the appointment of Mr. Lillich.

Committee vote: For: (8) Senators Barnett, Duis, Johnson, Nore, Snyder, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Epke, Luedtke, Stahmer and Stromer.

Richard Dugdale - Environmental Control Council

No one appeared either in favor or in opposition to the appointment.

Committee vote: For: (8) Senators Barnett, Duis, Johnson, Nore, Snyder, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Epke, Luedtke, Stahmer and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman

March 26, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Hugh Riley - Nebraska Highway Bond Commission

Senator Irving Wiltse appeared in favor of Mr. Riley. No one appeared in opposition.

Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Nore, Snyder, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Epke, Luedtke, Stahmer and Stromer.

Bryan Quigley - Nebraska Highway Bond Commission

Senator Otho G. Kime appeared in favor of the appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Barnett, Duis, Johnson, Nore, Snyder, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Epke, Luedtke, Stahmer, and Stromer.

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman

SELECT FILE

LEGISLATIVE BILL 834. Mr. Carpenter offered the following amendment:

Section 1 (2) Line 11 Strike "as it deems necessary or"

The motion lost with 11 ayes, 11 nays and 27 not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 826. Replaced on Select File as amended. E & R amendments to LB 826:

1. Insert the new matter of the Barnett amendment
1 as new section 11 and renumber sections 11 to 14 as sections 12 to 15.

2. In lieu of the Barnett amendment 2, in the Final Reading Bill, page 16, insert "and also sections 81-553 to 81-570, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto," at the end of line 15.

3. In the title, as amended, line 11 insert "to restrict the Electrical Division Fund;" after the semicolon; and in line 13 insert ", and also sections 81-553 to 81-570, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto" after "sections".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Schmit asked unanimous consent to be excused from 2:00 p.m. to 2:30 p.m. this afternoon. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 826. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 131. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1054. Considered.

UNANIMOUS CONSENT—Change of Order

Mr. Warner asked unanimous consent to consider his motion on LB 772 at this time. No objections. So ordered.

MOTION—Override Veto on LB 772

Mr. Warner moved to override the Governor's veto on LB 772.

Mr. Skarda moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 17 nays and 12 not voting.

Mr. R. Lewis moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 35 ayes, 2 nays and 12 not voting.

Mr. Barnett requested a roll call vote starting at the end of the alphabet.

The question is "Shall LB 772 pass notwithstanding the objections of the Governor?"

Voting in the affirmative, 30:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Clark	DeCamp	Dickinson	Duis	Epke
Fowler	Johnson	Kelly	Keyes	Kime
F. Lewis	R. Lewis	Luedtke	Marsh	Marvel
Murphy	Nore	Proud	Rasmussen	Schmit
Simpson	Snyder	Stull	Waldron	Warner

Voting in the negative, 18:

Anderson	Cavanaugh	Chambers	Fellman	Goodrich
Hasebroock	Kennedy	Kremer	Mahoney	Maresh
Moylan	Richendifer	Savage	Skarda	Stahmer
Stromer	Syas	Whitney		

Not voting, 1:

Wiltse

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 877. Replaced on Select File as amended.
E & R amendments to LB 877:

1. Because of the Mahoney amendment, strike section 2 and renumber sections 3 to 6 as sections 4 to 5.
2. In the title as amended, line 8, strike "to provide penalties;"

(Signed) John J. Cavanaugh, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 26, 1974, at 2:10 p.m., were the following: LB 499, LB 499A, LB 602, LB 710, LB 789, LB 790, LB 790A, LB 921, LB 995, LB 1003, LB 1004 and LB 1024.

(Signed) Barbara Jackson, Enrolling Clerk

EXPLANATION OF VOTES

Had I been present today, I would have voted for LB 499.

(Signed) J. James Waldron

Had I been present on LB 772 to override, I would have voted "aye".

(Signed) Irving F. Wiltse

EASE

The Legislature was at ease from 3:34 p.m. until 3:41 p.m.

GENERAL FILE**LEGISLATIVE BILL 1054. Considered.**

Mr. Stahmer asked unanimous consent to print the following amendment to LB 1054 in the Journal. No objections. So ordered.

(16) Amendment to LB 1054 by Stahmer

(1) Page 5, line 25, strike "not" and insert before the period on line 26, "only for programs of educational service units and regional offices of mental retardation".

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 1054 in the Journal. No objections. So ordered.

(17) Amendment to LB 1054 by Cavanaugh

1) On page 45, line 12, strike "1,174,303" and insert "954,386". On page 49, strike lines 9 through 27 as follows:

"IMPROVEMENT OF STUDENT-TEACHER CONTACT

The following General Fund, which sums are included in the amount designated as improvement funds, shall be expended for the following activities:

Art Improvement	8,500
English	22,000
Ethnic Studies	11,883
Mathematics	18,384

Music	29,150
Speech	10,000
Clinical Training	20,000
General Lab Improvement	100,000

It is the intent of the Legislature that these funds shall be used in reducing the traditionally low student-teacher contact and upgrading the undergraduate level of instruction. An evaluation report shall be on file in the office of the President and included in the 1975-76 budget request which will identify a process through which a higher degree of student-teacher contact"

And on page 50, strike lines 1 through 13 as follows:

"shall be accomplished. The report shall specifically indentify the following key components:

a. Number of professorial staff presently teaching courses at the Freshman and Sophomore levels of instructions:

b. Inadequacies in laboratory equipment in the Natural and Biological or Physical Sciences; and

c. The need for additional nonprofessional support personnel in order to free the professorial staff from administrative duties so as to enhance professorial staff contact with the undergraduates through the means of more faculty academic counseling, more faculty lecturing, and more faculty testing or grading".

2) On page 51, line 24 strike "17,216,935" and insert "16,997,018"; and on page 52, line 1 strike "28,726,364" and insert "28,506,447".

3) On page 54, strike lines 12 and 13 as follows:

12 "VICE-CHANCELLOR'S OFFICE"

13 "Vice-Chancellor's Office" "\$50,000"

4) On page 55, line 2 strike "9,880,130" and insert "9,830,130"; and line 6, strike "15,712,988" and insert "15,662,988".

5) On page 56, line 4 strike "37,121,809" and insert "36,851,892"; and line 8 strike "88,551,205" and insert "88,281,288".

6) On page 57, line 10 strike "731,143" and insert "510,429". On page 61 strike lines 10 through 27 as follows:

"IMPROVEMENT OF STUDENT-TEACHER CONTACT

There is included in the amount designated as improvement funds, the following specific General Funds which shall be expended for the following activities:

Computer Science	30,500
Chemistry	30,000
Education	64,024
Music	24,190
International Affairs	22,000
Undergraduate Lab Equipment	50,000

It is the intent of the Legislature that these funds shall be used in reducing the traditionally low student-teacher contact and upgrading the undergraduate level of instruction. An evaluation

report shall be on file in the office of the President and included in the 1975-76 budget request which will identify a process through which a higher degree of student-teacher contact shall be accomplished. This report shall specifically"

And on page 62, strike lines 1 through 12 as follows:

"identify the following key components:

a. Number of professorial staff presently teaching courses at the Freshman and Sophomore levels of instructions;

b. Inadequacies in laboratory equipment in the Natural and Biological or Physical Sciences; and

c. The need for additional nonprofessional support personnel in order to free the professorial staff from administrative duties so as to enhance professorial staff contact with the undergraduate through the means of more faculty academic counseling, more faculty lecturing, and more faculty testing or grading".

7) On page 62, line 26, strike "5,110,668" and insert "4,889,954"; and on page 63, line 2 strike "10,933,265" and insert "10,712,551".

8) On page 65, line 18 strike "8,975,079" and insert "8,754,365"; and line 22 strike "17,876,196" and insert "17,655,482".

COMMUNICATIONS ON LB 772

March 26, 1974

Hon. Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

RE: LB 772, Eighty-third Legislature, Second Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 772 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 772 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ls

cc: Gov. J. James Exon

CERTIFICATE

Legislative Bill 772 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 26th day of March 1974.

(Signed) Frank Marsh, Presiding Officer
President of the Legislature

MESSAGE FROM THE SECRETARY OF STATE

March 26, 1974

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Reference: Legislative Bill Number 772
Eighty-Third Legislature, Second Session

Dear Mr. Brown:

I acknowledge receipt of Legislative Bill Number 772 along with the certification signed by Frank Marsh, presiding officer and President of the Legislature.

The certification informs me that Legislative Bill Number 772 was returned by the Governor with his objection thereto and after consideration, Legislative Bill Number 855 passed the Legislature by a constitutional majority and it has thereby become law on the twenty-sixth day of March, 1974.

Please be advised that the certification and the bill have been filed in this office on the twenty-sixth day of March, 1974 at 3:49 p.m. and are now public record.

Sincerely,
(Signed) Allen J. Beermann
Secretary of State

ADJOURNMENT

At 3:50 p.m., on a motion by Mr. Carpenter, the Legislature adjourned until 9:00 a.m., Wednesday March 27, 1974.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SECOND DAY—MARCH 27, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 27, 1974

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Proud presiding.

PRAYER

Members stood for a moment of silent prayer.

ROLL CALL

The roll was called and all members were present except Mr. Chambers who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-first Day was approved.

MESSAGE FROM THE GOVERNOR

March 25, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 293 and 815 and Reengrossed Legislative Bill No. 327.

These bills were signed by me on March 25, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bills were correctly re-engrossed: 826, 897, 983 and 983A.

The following bills were correctly engrossed: 131, 834 and 834A.

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE BILL 1053. Mr. Carpenter renewed his pending amendment found in the Journal on page 1297 - 1298 for the Forty-ninth Day, as amended in the Journal on page 1342 for the Fifty-first Day.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 3:

Carpenter	Murphy	Nore
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Voting in the negative, 42:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Clark	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Not voting, 4:

Chambers	DeCamp	Kime	Waldron
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The amendment, as amended, lost with 3 ayes, 42 nays and 4 not voting.

Mr. Burbach renewed his amendment found in the Journal on page 1343 for the Fifty-first Day.

PRESIDENT MARSH PRESIDING

The Burbach amendment lost with 17 ayes, 13 nays and 19 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 877. E & R amendment found in the Journal on page 1349 for the Fifty-first Day was adopted.

Advanced to E & R for Re-engrossment.

ATTORNEY GENERAL'S OPINION

March 26, 1974

Dear Senator F. Carstens:

You have written to this office concerning the passage of L.B. 354, on March 21, 1974. You outline a series of facts concerning the activities of certain members of the Legislature and certain lobbyists while the bill was being read on Final Reading.

You first state that you want to know and request our opinion on the legality of a bill passed under these conditions. "Did the Final Reading constitute a farce and sham and not within the spirit or letter of language of Article 3, Section 14 of the Constitution?" " Your attention is invited to the case of State ex rel. Loseke v. Fricke, 126 Neb. 736, 254 N.W. 409. Our Supreme Court there pointed out that an enrolled bill, signed by the presiding officer of each house of the legislature and approved by the Governor, imports verity as to its passage, and its passage can only be overthrown by the journals of the house or senate showing affirmatively that the bill was not passed in the manner prescribed by the Constitution. We have reviewed the legislative journal for the day in question and it does not reveal any of the factual matters to which you allude.

You then ask if the lobbying being conducted on and off of the floor during the Final Reading of this bill was in violation of any of the statutes or laws of this state. We have reviewed the statutes pertaining to lobbying contained in Chapter 50 of the Nebraska statutes and based on the information contained in your letter, we see no violation of the lobbying laws as they presently appear.

You also ask if the Attorney General's office has sufficient authority and power under the laws of the state to make an investigation to determine whether or not the lobbying activities involved, during the passage of this bill, were illegal. Under the Constitution, Article III, Section 10, the Legislature determines the rules of its proceedings. The activities complained of might well be a violation of those rules. If so, this would be entirely a legislative matter. We also note from the lobbying laws that Section 50-315 provides:

"The Committee on Committees of the Legislature may at any time issue an order to any lobbyist to show cause why his registration should not be canceled on account of any corrupt practice as defined by sections 50-308 to 50-318. After a hearing, the Committee on Committees may request prosecution by the Attorney General." (Emphasis Supplied)

We are aware of no provision of law which would give the Attorney General the authority to issue subpoenas or compel the attendance of witnesses for the purpose of conducting an investigation in this particular area. This would appear to be reserved for the Committee on Committees of the Legislature under the section of the statutes above quoted. We also point out that the investigative function of the Attorney General, not only in this area but in other areas, is quite limited. This office does not have an investigative staff. Investigations can be made by us as any attorney makes an investigation, by interviewing and taking the statements of witnesses if they voluntarily respond. This, apparently, is not what your letter contemplates.

A review of your letter and the facts related therein, indicates that there might possibly be a violation of the rules of the Legislature. Such violations would neither invalidate the bill nor give cause for criminal prosecution. See, Chapter 50, Article 3, R.R.S. 1943, as amended.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:sh

cc: Mr. Vincent D. Brown

MESSAGE FROM THE ACTING GOVERNOR

March 26, 1974

Speaker and Acting President, Richard Proud &
Vince Brown, Clerk of the Legislature
Capitol Building
Lincoln, Nebraska

Dear Mr. Speaker and Mr. Brown:

This is to advise you that I received Legislative Bill 602 on March 26, 1974. While serving in the capacity as Acting Governor, I have signed this bill and it was forwarded on March 26 to the office of Secretary of State for final deposit.

Sincerely yours,

(SIGNED) FRANK MARSH
Acting Governor

MESSAGE FROM THE SECRETARY OF STATE

March 27, 1974

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

RE: Legislative Bill 772

Dear Mr. Brown:

In the transmittal letter of March 26, 1974 for L.B. 772 a typographical error was made in the second paragraph third line. It should say Legislative Bill 772 rather than Legislative Bill 855.

I am sure you will wish to make the necessary change in the Journal.

Sincerely,

(Signed) Betty L. Haeffner
Secretary to Mr. Beermann

UNANIMOUS CONSENT—Bracket LB 977 and LB 977A

Mr. Schmit asked unanimous consent to bracket LB 977 and LB 977A on Final Reading.

Mr. Goodrich objected.

Mr. Schmit moved to bracket the bills.

The motion prevailed with 27 ayes, 1 nay and 21 not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 476. Indefinitely postponed.

(Signed) Ernest Chambers, Chairman

UNANIMOUS CONSENT—Approve Appointments

Mr. Whitney asked unanimous consent to approve the following appointments found in the Journal on pages 1344 – 1347 in one record vote. No objections. So ordered.

Carlin Whitesell, Ronald J. Mertens, Richard L. DeBacker, Herman A. Brockmeier, Herbert G. Andrews, Walter R. Louis, Everett A. Lillich, Richard Dugdale, Hugh Riley, Bryan Quigley.

Voting in the affirmative, 36:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	DeCamp	Duis	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kennedy	Keyes
Kime	Kremer	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Moylan	Murphy	Rasmussen
Richendifer	Schmit	Simpson	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 13:

Carpenter	Chambers	Clark	Dickinson	Epke
Kelly	F. Lewis	Mahoney	Nore	Proud
Savage	Skarda	Warner		

The President declared the appointments confirmed.

POINT OF PERSONAL PRIVILEGE

Mr. Waldron and members discussed the fuel situation.

UNANIMOUS CONSENT—Print Amendment to LB 1026 in Journal

Mr. Snyder asked unanimous consent to print the following amendment to LB 1026 in the Journal. No objections. So ordered.

Amend the Snyder Amendment No. 1 on page 1257 of the Journal by striking all of the first paragraph of section 18-119 after the word "ordinances" in line 2 of that section and by adding in lieu thereof the words "except as provided in section 18-117" and by striking all of the second paragraph of said section 18-119 on page 1257 after line 1 and by adding in lieu thereof the words "cities of the first and second class and villages"

MOTION—Suspend Rules

Mr. Richendifer moved to suspend the rules to consider LB 795 on General File at this time.

The motion lost with 15 ayes, 19 nays and 15 not voting.

GENERAL FILE

LEGISLATIVE BILL 1054. Considered.

Mr. Marvel offered the following Standing Committee amendments:

- 1) On page 5, line 2, strike "identification of individuals" and insert "Identify the number of individuals".
- 2) On page 5, after line 19, insert "(h) Develop an information system identifying patients in nursing homes and who receive other follow-up and after-care services."
- 3) On page 6, strike line 13 and insert on page 7, after line 10, "(1) Program No. 033 -- Central Office".
- 4) On page 7, line 11 and 12, strike "824,304" and insert "864,304".
- 5) On page 6, lines 14, 22, and 26, and on page 7, lines 4 and 7, strike "Central Office" and insert "The Department of Public Institutions".
- 6) On page 6, line 17, strike "Central Office" and insert "The department".
- 7) On page 8, strike lines 6 through 11 and renumber subsections accordingly.
- 8) On page 12, line 8, after "\$275,000" insert "federal" and strike "of".
- 9) On page 13, line 19, strike "1,581,492" and insert "1,681,492"; on line 20, strike "2,469,776" and insert "2,669,776"; and on line 21, strike "4,051,268" and insert "4,351,268".
- 10) On page 14, beginning on line 14, strike subsection (11) and insert the following new subsection (11):
"(11) Program No. 365 -- Mental Health

The amounts shown include funds for: (a) Inpatient services which include security, adolescent, alcoholic, acute psychiatric, extended care, and medical-surgical programs at the regional centers, and (b) funds for development of community-based outpatient services. The funds shown provide for the following expectations:

- (a) Reduction and consolidation in many administrative, clerical and support functions in the regional centers;
- (b) Redirection of present personnel and funding to community-based programs;
- (c) Administrative delineation of inpatient services and outpatient community-based services;
- (d) Establishment of a network of community mental health centers utilizing existing or developing patterns of service delivery; and
- (e) Provision of full care, treatment, and follow-up for former inpatients.

The amounts shown include \$155,000 General Funds to be certified as matching expenditures for federal vocational rehabilitation funds. The appropriate contracts between the Department of Public Institutions and

the Division of Vocational Rehabilitation shall be completed on or before August 15, 1974.

The amounts shown include \$150,000 General Funds for mental health services provided by Douglas County Hospital.

The amounts shown include \$100,000 General Funds for professional staff recruitment.

The General Funds shown include minimum amounts which shall be used to provide patient care, maintenance and treatment, and extended patient care at each regional center. The amount also included for each regional center to provide extended patient care is \$200,000 General Funds in addition to cash and federal funds available and billable for such services. The minimum General Fund amount included for each regional center is as follows:

Hastings Regional Center	2,825,600
Norfolk Regional Center	1,981,500
Lincoln Regional Center	<u>3,221,900</u>
TOTAL	8,029,000

The amounts shown include a minimum of \$1,500,000 General Funds to be distributed through Central Office, to regions as defined by section 81-1,143.06, Revised Statutes Supplement, 1973. These funds shall be made available only to divisions of government which must consist of counties operating under the Interlocal Cooperation Act. Such funds shall be distributed in the following manner:

Region I	96,000
Region II	99,000
Region III	217,500
Region IV	232,500
Region V	328,500
Region VI	526,500

Additional funds may be distributed to the various regions as existing community mental health programs are expanded. Additional funds may also be distributed to community mental health programs established during the fiscal period covered by this act.

It is the intent of the Legislature to provide the necessary general funds to maintain adequate patient care and services at the regional centers and concurrently provide specific general funds for community out-patient services. The general funds not allocated for a particular service in previous portions of this section shall be expended in such a manner so that patient care, maintenance, and service is readily available at either the regional center or in the community for those persons needing or requesting such services.

The unexpended cash fund balances existing on June 30, 1974, are hereby reappropriated.

General Fund	11,639,000
Cash Fund	3,800,000
Federal Fund est.	1,772,000
PROGRAM TOTAL	17,211,000

For Informational Purposes Only: Total Appropriations to Agency No. 25 and Fund Source

General Fund	24,507,970
Cash Fund	9,925,016
Federal Fund est.	4,874,213
Revolving Fund est.	665,689
AGENCY TOTAL	39,972,888"

11) On page 23, line 5, after "\$50,000", insert "General Funds and such federal funds that are available."

12) On page 26, line 9, after "including," insert "examination of county jails and regional jails and programs available within such facilities,"

13) On page 28, after line 16, insert the following new language:

"There is included in the amount shown \$33,057 General Funds and any federal funds to develop and implement a program for chemical dependency rehabilitation. Such program shall include physical and psychological evaluations, individual and group therapy and counseling, and self-help programs within the institution and in the community, and such other services and assistance which will abate chemical dependency. The design and implementation of the chemical dependency rehabilitation program shall reflect the experience of similar programs operated either by public or private agencies."

On page 28, line 21, strike "5,090,568" and insert "5,123,625", on line 24, strike "6,333,792" and insert "6,366,849"; on page 29, line 22, strike "8,328,597" and insert "8,361,654"; on line 26, strike "11,648,294" and insert "11,681,351".

14) On page 33, after line 25, insert "There is included in the amount shown \$2,000 General Funds for women's athletics. This amount is in addition to that figure represented in the 1973-74 continuation base for this activity."

On page 34, line 3, strike "368,025" and insert "370,025".

On page 34, line 6, strike "1,116,339" and insert "1,118,339".

On page 34, line 12, strike "2,283,930" and insert "2,285,930".

On page 34, line 16, strike "5,117,372" and insert "5,119,372".

15) On page 37, after line 6 insert "There is included in the amount shown \$4,300 General Funds for women's athletics. This amount is in addition to that figure represented in the 1973-74 continuation base for this activity."

On page 37, line 11, strike "711,668" and insert "715,968".

On page 37, line 14, strike "1,555,995" and insert "1,560,295".

On page 37, line 20, strike "4,458,366" and insert "4,462,666".

On page 37, line 24, strike "\$7,889,004" and insert "7,893,304".

16) On page 40, after line 9, insert "There is included in the amount shown \$2,000 General Funds for women's athletics. This amount is in addition to that figure represented in the 1973-74 continuation base for this activity."

On page 40, line 14, strike \$195,810" and insert "197,810".

On page 40, line 17, strike "388,119" and insert "390,119".

On page 40, line 23, strike \$1,150,926" and insert "1,152,926".

On page 40, line 27, strike \$1,839,996" and insert "1,841,996".

17) On page 43, after line 20 insert "There is included in the amount shown \$3,000 General Funds for women's athletics. This amount is in addition to that figure represented in the 1973-74 continuation base for this activity."

On page 43, line 25, strike "398,767" and insert "401,767".

On page 44, line 1, strike \$775,937" and insert "778,937".

On page 44, line 7, strike "2,327,125" and insert "2,330,125".

On page 44, line 11, strike "4,009,699" and insert "4,012,699".

18) On page 76, lines 21, 22, 25, and 26, strike "253,118" and insert "257,849".

Standing Committee amendment Nos. 1 through 13 are pending.

Standing Committee amendment Nos. 14 through 17 were adopted with 26 ayes, 0 nays and 23 not voting.

Standing Committee amendment No. 18 was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Maresh renewed his amendment (1) found in the Journal on page 1317 and top of 1318 for the Fiftieth Day. The amendment was adopted with 26 ayes, 2 nays and 21 not voting.

Mr. Murphy renewed his amendment (2) found in the Journal on page 1318 for the Fiftieth Day.

The amendment lost with 11 ayes, 24 nays and 14 not voting.

Mr. Rasmussen renewed his amendment (3) found in the Journal on page 1318 for the Fiftieth Day.

The amendment was adopted with 27 ayes, 1 nay and 21 not voting.

Mr. Cavanaugh renewed his amendment (5) found in the Journal on page 1319 for the Fiftieth Day.

The amendment lost with 13 ayes, 15 nays and 21 not voting.

Mr. Goodrich renewed his amendments (4) found in the Journal on page 1318 for the Fiftieth Day.

Mr. Kelly requested a division of the Goodrich amendments.

Amendment (4) 1) lost with 13 ayes, 16 nays and 20 not voting.

Amendment (4) 2) and 3) are pending.

SELECT COMMITTEE REPORTS
Enrollment and Review**LEGISLATIVE BILL 877.** Correctly Re-engrossed.

(Signed) John J. Cavanaugh, Chairman

RESOLUTIONS**LEGISLATIVE RESOLUTION 137.**

Introduced by Waldron, 42nd District; Carpenter, 48th District; Schmit, 23rd District; Kelly, 35th District.

WHEREAS, there is a lack of rail passenger transportation in the state of Nebraska; and

WHEREAS, this lack of transportation is critical in the outstate population centers; and

WHEREAS, Union Pacific trackage exists connecting Omaha, Columbus, Grand Island, Kearney and North Platte;

THEREFORE BE IT RESOLVED that the Legislature endorses the creation of a new Amtrak line which will serve Omaha, Columbus, Grand Island, Kearney and North Platte.

BE IT FURTHER RESOLVED that the Clerk of the Legislature be directed to send a copy of this resolution to the Department of Transportation, the Nebraska congressional delegation, the Governor of Nebraska and the board of directors of Amtrak.

UNANIMOUS CONSENT—Unbracket LB 651

Mr. Rasmussen asked unanimous consent to unbracket LB 651 on General File. No objections. So ordered.

VISITORS

President Marsh introduced 30 Fourth grade students and their teachers from Norris School in Millard, Nebraska; 60 Fourth grade students and their teachers from Meadow Lane School, Lincoln, Nebraska; and 32 Twelfth grade students and their teachers from Harvard High School, Harvard, Nebraska.

RECESS

At 11:54 a.m., on a motion by Mr. Maresh, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:49 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except the Constitutional Revision and Recreation Committee who were excused for a short time, and Messrs. F. Lewis and Waldron who were absent until 2:30 p.m.

GENERAL FILE**LEGISLATIVE BILL 1054. Considered.**

Mr. Goodrich asked unanimous consent to withdraw his amendment 2) to amendment (4) found in the Journal on page 1318 for the Fiftieth Day and offer a substitute. No objections. So ordered.

Mr. Goodrich offered the following amendments:

2(a) On page 57, line 10 strike "731,143" and insert "746,143"; on page 62, after line 21 insert the following:

"Goodrich plan 15,000"

And on page 62, line 26 strike "5,110,668" and insert "5,125,668"; and on page 63, line 2 strike "10,933,265 and insert "10,948,265"; and on page 65, line 18 strike "8,975,079" and insert "8,990,079"; and on line 22, strike "17,876,196" and insert "17,891,196".

2(b) On page 57, line 10 strike "731,143" and insert "756,143"; and on page 62, after line 21 insert the following:

"Para-legal training program 25,000"

And on page 62, line 26 strike "5,110,668" and insert "5,135,668"; and on page 63, line 2 strike "10,933,265" and insert "10,958,265"; and on page 65, line 18 strike "8,975,079" and insert "9,000,079"; and on line 22 strike "17,876,196" and insert "17,901,196".

Mr. Goodrich moved for a Call of the House. The motion lost with 3 ayes, 21 nays and 25 not voting.

The Goodrich amendment 2(a) lost with 9 ayes, 17 nays and 23 not voting.

The Goodrich amendment 2(b) lost with 6 ayes, 15 nays and 28 not voting.

Mr. Goodrich renewed his amendment (4) 3) found in the Journal on page 1318 for the Fiftieth Day.

Mr. Rasmussen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The Goodrich amendment (4) 3) found in the Journal at the bottom of page 1318 for the Fiftieth Day was adopted with 25 ayes, 3 nays and 21 not voting.

Mr. Cavanaugh renewed his amendment (6) found in the Journal on page 1319 for the Fiftieth Day.

Mr. DeCamp offered the following amendment to the Cavanaugh amendment (6):

1. On page 17, line 23 after the period insert: "Such funds shall not be used to contract for services with any state agency."

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays and 18 not voting.

The Chair ruled the DeCamp amendment lost with 18 ayes, 15 nays and 16 not voting.

Mr. DeCamp appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 11 ayes, 20 nays and 18 not voting.

The Cavanaugh amendment (6) is pending.

MOTION—Override Veto on LB 647

Mr. Luedtke moved to override the Governor's veto on LB 647.

Whereupon the President stated: "The question is, 'Shall LB 647 be passed notwithstanding the objections of the Governor?' "

Mr. Luedtke moved for a Call of the House. The motion for Call prevailed with 22 ayes, 10 nays and 17 not voting.

The Call showed 47 members present.

Mr. Luedtke moved the Call be raised. The motion to raise Call prevailed with 28 ayes, 1 nay and 20 not voting.

Voting in the affirmative, 33:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	DeCamp	Duis	Fellman
Fowler	Hasebroock	Johnson	Kelly	Keyes
Kime	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Proud	Richendifer
Savage	Schmit	Simpson	Stahmer	Stromer
Stull	Waldron	Warner		

Voting in the negative, 11:

Cavanaugh	Clark	Epke	Goodrich	Kennedy
Kremer	Nore	Rasmussen	Snyder	Syas
Whitney				

Not voting, 5:

Dickinson	R. Lewis	Marvel	Skarda	Wiltse
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1053. Replaced on Select File as amended.
E & R amendments to LB 1053:

1. In the Richendifer amendment, line 2, strike "Such funds" and insert "The funds appropriated for this program"; and in line 4 strike "LB" and insert "Legislative Bill".

2. In lieu of the Carpenter amendment 1 to page 17, on line 14 strike "4,196,713" and insert "4,696,713"; and in line 16 strike "4,867,843" and insert "5,367,843".

3. In line 7 of the Carpenter amendment 2 to page 17, strike "State Personnel Department" and insert "Department of Personnel".

4. In lieu of the Burbach amendment, in the Carpenter amendment 2, line 2, strike "\$1,000,000" and insert "\$500,000"; in line 4 strike "\$250,000" and insert "\$200,000" and in line 5 strike "\$750,000" and insert "\$300,000".

5. In the new matter of the Hasebroock amendment, line 1, insert "(3)" before "Program".

6. On page 17, line 22, strike "(3)" and insert "(4)".

7. In lieu of the Carpenter amendment 3 to page 18, in line 1 as amended strike "17,343,971" and insert "17,843,971"; and in line 4 as amended strike "18,065,101" and insert "18,565,101".

8. In new section 13, strike the new matter and reinsert the same in each instance immediately below the stricken matter which it replaces; and strike the second comma in line 18.

9. On page 28, in line 6 strike "16-17-18" and insert "17-18-19"; after line 6, insert:

"Environmental Control, Department of 13";
in line 11, strike "18" and insert "19"; in lines 17 to 25 strike "13" to "21" and insert "14" to "22" respectively; after line 25 insert:

"Repeal 23";
and in line 26 strike "22" and insert "24".

10. Insert a new section to read:

"Section 23. That original section 57, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974 is repealed."

11. Renumber original section 22 as section 24.

12. In the title, line 6, insert "to amend section 57, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974; to repeal the original section;" after the semicolon.

(Signed) John J. Cavanaugh, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 138.

Introduced by Stromer, 36th District; Kelly, 35th District; Marvel, 33rd District.

WHEREAS, announcement has just been made by the Bureau of Sport Fisheries and Wildlife, an agency within the Department of Interior, that a new wildlife refuge is proposed on the Platte River; and

WHEREAS, the proposed wildlife refuge area described includes the Platte River and adjacent lands from the Wood River interstate interchange to the Grand Island interstate interchange, a distance of eleven miles involving 15,000 acres of privately owned lands; and

WHEREAS, the Bureau of Sport Fisheries and Wildlife is presently conducting public meetings and making contacts relative to the purchase of this land; and

WHEREAS, this Legislature is of the firm opinion it does not possess sufficient information to evaluate the proposal, as this body has not been

afforded the opportunity nor extended the courtesy of reviewing the proposal from the U. S. Fish and Wildlife Service;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That a joint investigation and study be conducted by the Agriculture and Environment and Constitutional Revision and Recreation Standing Committees of this Legislature to ascertain:

(a) The necessity and desirability of the proposed wildlife refuge area;
(b) A consideration of the valuation of lands being removed from tax rolls;

(c) An evaluation of the agricultural lands that would be taken out of production by the proposed refuge;

(d) The possible limitation of water fowl hunting areas created by the proposed refuge.

2. That the joint investigation and study be conducted during the interim period and a report furnished to the Executive Board of the Legislative Council on the first day of the Eighty-Fourth Legislative Session.

3. That the Secretary of Interior, Rogers Morton, be requested to restrain further federal activity until the value of such a proposed refuge can be ascertained by the Eighty-Fourth Legislative Session.

4. That copies of this resolution be sent to the Nebraska Congressional Delegation.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1054. Considered.

Mr. Cavanaugh requested a division of his amendment (6) found in the Journal on page 1319 for the Fiftieth Day.

The amendment to page 17, line 22 and line 23 lost with 7 ayes, 24 nays and 18 not voting.

The last Cavanaugh amendment to page 18, line 28 lost with 12 ayes, 21 nays and 16 not voting.

COMMUNICATIONS ON LB 647

March 27, 1974

Hon. Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 647, Eighty-third Legislature, Second Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 647 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 647 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

cc: Gov. J. James Exon

CERTIFICATE

Legislative Bill 647 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 27th day of March 1974.

(Signed) Frank Marsh, Presiding Officer
President of the Legislature

GENERAL FILE

LEGISLATIVE BILL 1054. Considered.

Mr. Simpson renewed his amendment (7) found in the Journal on page 1319 for the Fiftieth Day.

Mr. Stahmer offered the following amendment to the Simpson amendment:
Amend the Simpson amendment (7) to include One million dollars for the purchase of food stuff for the elderly.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays and 20 not voting.

The Stahmer amendment lost with 14 ayes, 18 nays and 17 not voting.

Mr. Simpson moved for a Call of the House. The motion prevailed with 20 ayes, 15 nays and 14 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

The Simpson amendment (7) was adopted with 27 ayes, 6 nays and 15 not voting.

Mr. Carpenter moved to advance LB 1054 to E & R for Review and print and consider the remainder of the amendments in the Journal.

The Chair ruled the motion would take 30 votes. The motion prevailed with 32 ayes, 4 nays and 13 not voting.

(18) Amendments to LB 1054 by Carpenter

1) On page 72, after line 13 insert the following:

"The Board of Regents shall develop policies and prescribe guidelines to determine if any "vacant student slots exist at any campus" and are herein authorized to implement such policies and procedures required to fill such vacant slots by adjusting tuitional rates, granting scholarships and adjust dormitory rates, provided, such adjustments do not exceed the authorized Expenditure limits for the fiscal year 1974-75."

2) On page 31, after line 12 insert the following:

"The Board of Trustees shall develop policies and prescribe guidelines to determine if any "vacant student slots exist at any campus" and are herein authorized to implement such policies and procedures required to fill such vacant slots by adjusting tuitional rates, granting scholarships and adjust dormitory rates, provided, such adjustments do not exceed the authorized Expenditure limits for the fiscal year 1974-75."

(19) Amendment to LB 1054 by Carpenter

On page 54, after line 24, insert the following:

"Crop Production - (Outstate Stations)	\$250,000	
Animal Production	100,000	
Livestock Protection	200,000	
Crop Protection	150,000	
Farm Management	100,000	
Agricultural Extension	300,000	
Irrigated Agriculture - (Conservation		
of Energy and Water)	100,000	
Soil Resources	150,000"	\$1,350,000

On page 55, line 2, strike "9,880,130" and insert "11,230,130" and line 6, strike "15,712,988" and insert "17,062,988". Page 56, line 4, strike "37,121,809" and insert "38,471,809" and on line 8, strike "88,551,205" and insert "89,901,205".

(20) Amendment to LB 1054 by Savage

1) On page 63, after line 2, insert "There is hereby further appropriated \$700,000 General Funds for fiscal year 1975-76 and \$700,000 General Funds for fiscal year 1976-77 and \$700,000 General Funds for fiscal year 1977-78 for the purchase of art objects and the enhancement of the fine arts program,

which amounts are not included in the fund or total figures shown in this section, and for the purposes of setting sales and income tax rates by the State Board of Equalization and Assessment shall be considered an express obligation."

(21) Amendment to LB 1054 by Stromer

Chadron On page 32, line 27, add \$70,307 to the figure \$892,095, making a total of \$962,402. On page 33, line 1, subtract \$70,307 from the figures \$835,214, making a total of \$764,907. Also change line 12, page 34, to \$2,354,237, and line 13, page 34, to \$872,959.

Kearney On page 35, line 23, add \$147,008 to the figure of \$2,102,342 making a total of \$2,249,350. On page 35, line 24, subtract \$147,008 from the figure \$1,873,628, making a total of \$1,726,620. Also change line 20, page 37, to \$4,605,374, and line 21, page 37, to \$1,963,928.

Wayne On page 42, line 18, add \$73,103 to the figure of \$721,189, making a total of \$794,292. On page 42, line 19, subtract \$73,103 from the figure \$944,904, making a total of \$871,801. Also change line 7, page 44, to \$2,400,228, and line 8, page 44, to \$990,261.

UNANIMOUS CONSENT—Members Excused

Messrs. Mahoney and Syas asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

MOTION—Suspend Rules

Mr. Stull moved to suspend the rules to consider LB 1055, 1056, 1057, 1058, 1059, 1049, 932, and 933 and then read titles, consider no amendments and advance bills to E & R initial. All amendments to be printed in Journal.

Mr. Chambers moved to amend the Stull motion to include LB 923.

The Chair ruled the amendment would take 25 votes.

Mr. Fellman moved for a Call of the House. The motion lost with 14 ayes, 22 nays and 13 not voting.

The motion to amend lost with 18 ayes, 16 nays and 15 not voting.

The Stull motion prevailed with 31 ayes, 2 nays and 16 not voting.

GENERAL FILE

LEGISLATIVE BILL 1055. Title Read.
LEGISLATIVE BILL 1056. Title Read.
LEGISLATIVE BILL 1057. Title Read.
LEGISLATIVE BILL 1058. Title Read.
LEGISLATIVE BILL 1059. Title Read.
LEGISLATIVE BILL 1049. Title Read.

LEGISLATIVE BILL 932. Title read.

LEGISLATIVE BILL 933. Title Read.

LB 1055, LB 1056, LB 1057, LB 1058, LB 1059, LB 1049, LB 932 and LB 933 were advanced to E & R for Review with 32 ayes, 2 nays and 15 not voting.

MESSAGE FROM THE SECRETARY OF STATE

March 27, 1974

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

RE: Legislative Bill Number 647
Eighty-Third Legislature, Second Session

Dear Mr. Brown:

I acknowledge receipt of Legislative Bill 647 along with the certification signed by Frank Marsh, presiding officer and President of the Legislature.

The certification informs me that Legislative Bill number 647 was returned by the Governor with his objection thereto and after consideration, Legislative Bill Number 647 passed the Legislature by a constitutional majority and it has thereby become law on the twenty-seventh day of March, 1974.

Please be advised that the certification and the bill have been filed in this office on the twenty-seventh day of March, 1974 at 4:04 p.m. and are now public record.

Sincerely,

(Signed) ALLEN J. BEERMANN
Secretary of State

UNANIMOUS CONSENT—Print in Journal

Mr. Chambers asked unanimous consent to print the following in the Journal. No objections. So ordered.

MEMORANDUM

TO: Clarence A. H. Meyer
Attorney General

FROM: N. J. Ludden
Law Clerk

DATE: March 21, 1974

RE: Immunity of Witnesses before Legislative Committees
from Libel Actions

As a general rule legislative investigations are subject to the same rules of privilege accorded similar testimony in judicial proceedings. 50 Am. Jur. 2d Sections 223.

Logan's Supermarkets v. McCalla, 208 Tenn. 68, 343 S. W. 2d 892 (1961), found the test of absolute judicial immunity to be twofold: (1) The statements must be made in the course of judicial proceedings; and (2) the statements must be relevant or responsive to questions of counsel. Analogizing legislative investigations to judicial proceedings, the court in Logan held that statements by a legislative witness must be in the course of a legislative proceeding and must be relevant thereto to establish absolute privilege. In that case defendant's agent testified before a legislative committee, investigating trading stamp practices, that the use of trading stamps increased retailing costs. Plaintiff, owner of a chain of supermarkets, alleged that the statements were false and maliciously made. A directed verdict for the defendant was upheld by the Tennessee Supreme Court.

Some states have statutes granting immunity to "any legislative or judicial proceeding." e.g., Calif. Civil Code Section 47. Applicable Nebraska law is found in the Nebraska Constitution, Art. III, Section 26: "No member of the legislature shall be liable in any civil or criminal action whatever for words spoken in debate." [Emphasis added]

However, even though statutory law does not provide for immunity of either legislative proceedings or judicial proceedings, the case law arguably does so provide. In Shumway v. Warrick, 108 Neb. 652, 189 N. W. 301 (1922), a witness before the state banking board was granted immunity. The court held that, since the banking board was charged with the duty of investigating the integrity and responsibility of the applicants, its function was quasi-judicial. Therefore, one filing a protest to the issuance of a charter was entitled to the protection of absolute privilege even though the statements were maliciously made. The state banking board is an administrative body rather than a legislative body. The case is not directly pertinent, therefore. However, it does indicate that there is absolute privilege for those testifying at a judicial proceeding in Nebraska. And, since the same privilege usually extends to a legislative committee which, like an administrative proceeding, has a quasi-judicial function, there is probably absolute immunity for witnesses of legislative hearings.

It should be noted that there may be limitation to the absolute privilege in legislative proceedings. In Fiore v. Rogero, 144 So. 2d 99 (Fla. App. 1962), the court held that volunteered testimony was only

qualifiedly privileged. That is, a witness testifying under subpoena is absolutely privileged, but only a conditional privilege attaches to statements of persons who appear voluntarily before the legislative committee.

In sum, the general rule is that witnesses at legislative proceedings have the same immunity as witnesses at judicial proceedings. Absolute privilege may be limited to those situations where the statements are relevant and responsive to questions and where the witness' appearance was mandatory.

NJL:ct

cc: Gerald S. Vitamvas
Deputy Attorney General

MESSAGE FROM THE GOVERNOR

March 27, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to advise you that because of your failure to recall LB 997 as per my suggestions contained in my letter and attached documents of March 25, 1974, I will allow the measure to become law without my signature.

I had intended to veto the measure that is unconstitutional on its face. It is also unworkable in some areas. The measure directs at least one irresponsible action which would cause a terribly expensive and impossible change in the state accounting system causing the doubling in size of some warrants.

The Legislature is ignoring both the advice of the Attorney General and the Governor with regard to the budget bills and their construction.

The Attorney General has advised me that a veto is not necessary since some of the language and directions are meaningless and invalid, and therefore the Executive is not bound by portions of your actions. We therefore consider them only legislative intent and not binding and will treat them accordingly.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:fw

**UNANIMOUS CONSENT—Print Amendments to
LB 977 & LB 977A in Journal**

Mr. Stahmer asked unanimous consent to print the following proposed amendments to LB 977 and LB 977A in the Journal. No objections. So ordered.

Amendment to LB 977 by Stahmer

Strike original sections 1 and 2 and insert the following new sections.

1. In addition to the amounts otherwise provided under the provisions of sec. 43-512, there shall be provided a state payment of four dollars per month for each person receiving assistance under the provisions of this section. Such payment shall be made as a separate payment and shall be identified to be used only for the purchase of fresh meat. Such payments shall be made for four consecutive months beginning in the first full month after the passage of this act.

2. Any retailer who accepts the separate payment designated to be utilized only for the purchase of fresh meat for any purchase other than for fresh meat shall be subject to a fine not to exceed five hundred dollars for each offense.

3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Amendment to LB 977A by Stahmer

1. On page 2, line 1, strike "one" and on line 2, strike "million five hundred" and insert "six hundred fifty".

2. On page 2, lines 3 and 4, strike "and two million seventy thousand dollars from federal funds"; and strike "of July 1, 1974 to" and insert "ending".

3. Add the emergency clause.

UNANIMOUS CONSENT—Print Amendment to LB 740

Mr. Maresh asked unanimous consent to print amendments to LB 740. No objections. So ordered. (Amendments printed separate from the Journal and on file in the Clerk's Office.)

**STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs**

LEGISLATIVE BILL 551. Placed on General File as amended.
Standing Committee amendment to LB 551:

1. Strike original sections 1 and 2 and insert the following:

"Section 1. That section 11-101.01, Reissue Revised Statutes of Nebraska, 1943, is repealed."

(Signed) Ernest Chambers, Chairman

UNANIMOUS CONSENT—Unbracket LB 643

Mr. Simpson asked unanimous consent to unbracket LB 643 on General File.

Speaker Proud objected.

PROPOSED AMENDMENTS TO LB 1055**(1) Amendment to LB 1055 by Luedtke**

Amend LB 1055 by striking original Sec. 27 and inserting a new section to read: "The Department of Correctional Services is hereby directed to adopt the Correction Plan submitted to the 83rd Legislature 1st Session by the Nebraska Law Enforcement and Justice Advisory Committee in accord with Sec. 50-602 R.R.S., 1972 Supp. as a Master Plan for State Corrections. There is hereby appropriated \$500,000 from the Nebraska Capital Construction Fund and such federal funds as available for the fiscal year ending June 30, 1975 to the Department of Correctional Services, Central Office for the implementation of such Plan. Specifically for the planning, programing and design of a medium/minimum security facility to be used by the Department of Correctional Services according to law."

(2) Amendment to LB 1055 by Waldron

1) Add a new section as follows:

"There is hereby appropriated to the Game and Parks Commission \$120,000 General Fund which will be matched with 70 percent Federal Funds and 30 percent Lincoln County allocation funds for the purpose to construct and improve recreational roadways around Lake Maloney in Lincoln County."

(3) Amendment to LB 1055 by Mahoney

1) On page 13, lines 14 and 18, strike "and" and insert "and" after "Fremont" and insert ", and Louisville" after "McConaughy"; and on lines 15 and 16, strike "\$70,000" and insert "\$105,000".

(4) Amendment to LB 1055 by Anderson

1. On page 10, line 18, strike "129,900" and insert "329,900".

(5) Amendment to LB 1055 by Goodrich

1) Add a new section

"The University of Nebraska Medical Center is hereby authorized to plan an ambulatorium facility with a total project cost not to exceed \$7,934,200.00. There is hereby appropriated \$250,000 from the State Building Fund for the initial planning, for the Fiscal Year ending June 30, 1975.

(6) Amendment to LB 1055 by F. Lewis
State of Nebraska
1974-75 Capital Construction

On page 32 line 2 strike "\$32,000" both places and insert "\$102,500".

(7) Amendments to LB 1055 by Keyes

1. In Section 21, page 14, line 10 after \$20,000., insert the following: The Game and Parks Commission is hereby authorized to develop detailed physical plans for a nature center, planetarium, and aquarium at Schram State Recreation Area with a total cost not to exceed \$20,000. There is hereby appropriated \$20,000 from the State Building Fund for the fiscal year ending June 30, 1975, for physical planning.

2. In Section 21, page 14, line 11, strike "\$20,000" and show as stricken, and insert \$40,000.

(8) Amendment to LB 1055 by Snyder

1) Add a new section as follows:

"The University of Nebraska at Omaha is hereby authorized to improve athletic facilities with a total cost not to exceed \$353,000. There is hereby appropriated \$353,000 from the State Building Fund for the fiscal year ending June 30, 1975, to complete the improvements."

(9) Amendment to LB 1055 by F. Carstens

1) Insert a new section as follows:

"The Department of Public Institutions is hereby authorized to construct an education and training addition to the new chapel at Beatrice State Home, with a total project cost not to exceed \$35,000 from the State Building Fund in addition to other available funds for the fiscal year ending June 30, 1975, to complete the project."

PROPOSED AMENDMENTS TO LB 1057

(1) Amendment to LB 1057 by Chambers

1) On page 11, after line 4, insert the following:

"There is included in program 316 \$225,000 general fund which shall be used for the Opportunity Industrialization Center and shall not be expended for any other purpose".

2) On page 11, line 6, strike "3,219,832" and insert "3,444,832"; on lines 11 and 14 strike "1,037,188" and insert "1,262,188"; and on line 18 strike "3,219,832" and insert "3,444,832".

3) On page 14, line 7 strike "10,449,922" and insert "10,674,922"; and on line 12 strike "20,399,302" and insert "20,624,302".

(2) Amendment to LB 1057 by Savage

1) On page 3, after line 17; and on page 5, after line 19; and on page 7 after line 6; and on page 8 after line 14; and on page 10 after line 2; and on page 11 after line 4, insert the following:

"There is included in the amount shown, \$2,250 for ten non-athletic tuition waivers to be granted to Nebraska resident students".

(3) Amendment to LB 1057 by Kelly

1) On page 7, line 9, strike "205,339" and insert "377,179"; on line 18, strike "2,479,695" and insert "2,651,535"; and on line 21, strike "2,479,695" and insert "2,651,535"; and on line 26, strike "4,792,243" and insert "4,964,083". On page 14, line 7, strike "10,449,922" and insert "10,621,762"; and on line 12, strike "20,399,302" and insert "20,571,142".

PROPOSED AMENDMENTS TO LB 1059**Amendment to LB 1059 by Goodrich**

1) On page 7, line 11, strike "3,788,221" and insert "3,803,221", and strike "9,845,050" and insert "9,860,050".

2) On page 8, line 16, strike "6,955,675" and insert "6,970,675" and strike "14,035,823" and insert "14,050,823".

RECESS

At 4:30 p.m., on a motion by Mr. Wiltse, the Legislature recessed until 6:30 p.m.

AFTER RECESS

The Legislature reconvened at 6:32 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Mahoney, Syas and Stromer who were excused.

MOTION—Suspend Rules

Mr. Maresh moved to suspend the rules to limit the debate this evening to five minutes instead of ten minutes.

The motion lost with 26 ayes, 11 nays and 12 not voting.

GENERAL FILE

LEGISLATIVE BILL 656. Title read. Considered.

Mr. Schmit renewed his pending amendment found in the Journal on page 1083 for the Forty-third Day.

Mr. Goodrich renewed his amendment to the Schmit amendment found in the Journal on page 1084 for the Forty-third Day.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 19 nays and 12 not voting.

Mr. Epke moved to lay the bill over.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 0 nays and 13 not voting.

The Epke motion to lay over lost with 16 ayes, 26 nays and 7 not voting.

The Goodrich amendment to the Schmit amendment was adopted with 26 ayes, 16 nays and 7 not voting.

Mr. Schmit asked unanimous consent to withdraw his amendment.

Mr. Carpenter objected.

Mr. Carpenter moved the adoption of the Schmit amendment, as amended. The Schmit amendment, as amended, was adopted with 25 ayes, 14 nays and 10 not voting.

Mr. Carpenter asked unanimous consent to withdraw his amendments found in the Journal on page 1085 for the Forty-third Day. No objections. So ordered.

Mr. Cavanaugh asked unanimous consent to withdraw his amendments found in the Journal on page 1294 for the Forty-ninth Day. No objections. So ordered.

Mr. Stahmer moved to indefinitely postpone.

Speaker Proud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays and 19 not voting.

The motion to indefinitely postpone lost with 20 ayes, 24 nays and 5 not voting.

Mr. Goodrich moved to advance LB 656 to E & R for Review.

Mr. Carpenter moved for a Call of the House. The motion prevailed with 23 ayes, 19 nays and 7 not voting.

The Call showed 45 members present.

Mr. Goodrich requested a roll call vote.

Voting in the affirmative, 24:

Barnett	Carpenter	C. Carsten	F. Carstens	Cavanaugh
Clark	Dickinson	Duis	Fellman	Fowler
Goodrich	Kelly	Keyes	R. Lewis	Luedtke
Maresh	Marvel	Moylan	Proud	Rasmussen
Savage	Simpson	Skarda	Snyder	

Voting in the negative, 21:

Anderson	Burbach	Chambers	DeCamp	Epke
Hasebroock	Johnson	Kennedy	Kime	Kremer
F. Lewis	Marsh	Murphy	Nore	Richendifer
Schmit	Stahmer	Stull	Warner	Whitney
Wiltse				

Not voting, 4:

Mahoney	Stromer	Syas	Waldron
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The motion to advance lost with 24 ayes, 21 nays and 4 not voting.

Mr. Richendifer moved the Call be raised. The motion prevailed with 42 ayes, 1 nay and 6 not voting.

LEGISLATIVE BILL 665. Title read. Considered.

The Standing Committee amendments found in the Journal on page 454 for the Eighteenth Day were rejected.

The Standing Committee amendments found in the Journal on page 516 for the Twenty-third Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Chambers moved to indefinitely postpone.

Mr. Johnson moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay and 19 not voting.

The motion to indefinitely postpone lost with 17 ayes, 25 nays and 7 not voting.

Advanced to E & R for Review with 25 ayes, 13 nays and 11 not voting.

LEGISLATIVE BILL 754. Title read. Considered.

Standing Committee amendments found in the Journal on page 615 for the Twenty-seventh Day were adopted.

Advanced to E & R for Review with 31 ayes, 1 nay and 7 not voting.

LEGISLATIVE BILL 754A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 757. Title read. Considered.

Mr. Cavanaugh asked unanimous consent to withdraw his amendments found in the Journal on page 857. No objections. So ordered.

Mr. Cavanaugh offered the following amendments:

AMENDMENTS TO L.B. 757

1. On page 9, after line 13 insert a new section as follows:

"Sec. 4. That section 31-735, Revised Statutes Supplement, 1972, be amended to read as follows:

31-735. At such time as the board of trustees shall designate, which time shall be not more than twelve months after the judgment of the district court creating said district, and each two years thereafter, the board of trustees shall cause an election to be held, at which election a board of trustees of five in number shall be elected. Such trustees shall be owners of real estate located in the district. The election shall be conducted at a location or place within the boundaries of the district unless there is no building within the district or all of the owners in the district shall consent to an election outside the district, and the polling place shall remain open to the voters for not less than four consecutive hours between eight a.m. and eight p.m. of the date of election. Notice of such election shall be given by the clerk of said board by written notice addressed to each owner of real estate located in the district and mailed to his last-known post-office address, at least fifteen days prior to said election. Said notice shall state the time, place,

and purpose of said meeting. Any person may cast one vote for each trustee, for each acre of unplatted land or fraction thereof and one vote for each acre of platted lot which he may own in the district. At the election held four years after the first board was elected and at each election held thereafter the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district. Each legal property owner resident within such sanitary and improvement district may cast one vote for each trustee. Any corporation, public, private, or municipal, owning any land or lot in the district, may vote at such election the same as an individual. The executor, administrator, guardian, or trustee of any person or estate interested shall have the right to vote. Should two or more persons or officials claim the right to vote on the same tract, the board of trustees shall determine the party entitled to vote. Such board shall select one of their number chairman and one of their number clerk. In case of a vacancy on said board the remaining trustees shall fill the vacancy on said board until the next election."

2. On page 23, line 23 after "original" insert "section 31-735, Revised Statutes Supplement, 1972, and".

3. Renumber original sections 4 to 8 as sections 5 to 9 respectively.

The amendments were adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Dickinson offered an amendment which was adopted with 25 ayes, 0 nays and 24 not voting.

(Amendment computerized and printed separate from the Journal)

Mr. Barnett offered the following amendment which was adopted with 27 ayes, 0 nays and 22 not voting:

1. In Standing Committee amendment 1, line 5 before "county" insert "adjacent".

Advanced to E & R for Review with 37 ayes, 0 nays and 12 not voting.

UNANIMOUS CONSENT—Print Amendment to LB 1055 in Journal

Mr. Stull asked unanimous consent to print the following amendment to LB 1055 in the Journal. No objections. So ordered.

(10) Amendment to LB 1055

On page 18, after line 12 insert the following new section:

"Chadron State College is hereby authorized to complete the renovation of the administration building with a total project cost not to exceed \$200,000. There is hereby appropriated \$200,000 from the Nebraska Capitol Construction Fund for the fiscal year ending June 30, 1975, to complete this renovation.

MOTION—Adjournment

Mr. Rasmussen moved to adjourn. The motion lost with 15 ayes, 20 nays and 14 not voting.

GENERAL FILE

LEGISLATIVE BILL 127. Title read. Considered.

Mr. Barnett offered amendments. (Amendments computerized and printed separate from the Journal - Req. 2529).

Amendment pending.

ADJOURNMENT

Mr. Epke moved to adjourn until 9:00 a.m., The motion prevailed with 22 ayes, 17 nays and 10 not voting.

At 9:27 p.m., the Legislature adjourned until 9:00 a.m., Thursday, March 28, 1974.

Vincent D. Brown
Clerk of the Legislature

FIFTY-THIRD DAY—MARCH 28, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 28, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The Prayer was offered by the Chaplain.

O God, our Loving Father, we pray Thou wouldst give the motivation to each member of this assembly that they be not frustrated or anxious because of issues facing them, but that each to his ability may live up to his God-given capacity. Preserve them from faithless fears and foolish anxieties. May they be sensitive to that inner spark of celestial fire called conscience. May no clouds of rationalization or moral evil hide the light of Thy will from their lives. In our Master's name we pray. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Waldron who was excused, Mr. Snyder who was excused until he arrives and Messrs. Chambers and Fowler who were absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-second Day was approved.

UNANIMOUS CONSENT—Final Reading

Mr. Carpenter asked unanimous consent to pass over Final Reading. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1053. E & R amendments found in the Journal on page 1367 for the Fifty-second Day were adopted.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 139.

Introduced by Maresh, 32nd District; Kelly, 35th District; Kennedy, 21st District; Kime, 43rd District; F. Carstens, 30th District; Dickinson, 31st District; Cavanaugh, 9th District; Goodrich, 20th District; Luedtke, 28th District; C. Carstens, 2nd District; Wiltse, 1st District; Hasebroock, 18th District; Rasmussen, 41st District; Moylan, 6th District; F. Lewis, 45th District; Clark, 47th District; Fellman, 4th District; Skarda, 7th District; Anderson, 37th District; Schmit, 23rd District; Kremer, 34th District; Burbach, 19th District; Epke, 24th District; Stahmer, 8th District; Murphy, 17th District; Whitney, 44th District, DeCamp, 40th District; Barnett, 26th District; Nore, 22nd District; Warner, 25th District; Richendifer, 16th District; Snyder, 14th District, Johnson, 15th District; Stull, 49th District, Duis, 39th District.

WHEREAS, the National Commission on State Workmen's Compensation Laws in July 1972 submitted to Congress its report and made certain recommendations as to minimum standards for state workmen's compensation laws and recommendations as to their implementation, including an express recommendation against federal administration being substituted for state programs, and that the states be given a reasonable time in which to comply with the recommended standards; and

WHEREAS, Nebraska and the other states, both before and subsequent to the promulgation of this report have made and continue to make improvements in their workmen's compensation systems, approaching the standards recommended by the commission; and

WHEREAS, Senate Bill S. 2008 was filed on June 18, 1973, by its proponents, Senators Javits and Williams, in the Senate of the United States, and an identical bill, H. R. 8771 was filed in the House of Representatives by Congressmen Perkins and Daniel; and

WHEREAS, S. 2008 and H.R. 8771 go beyond the recommendations of the commission with regard to workmen's compensation benefits recommended, but more importantly propose acceleration of compliance by the states, failing which there would be in effect a federal takeover of the administration of workmen's compensation in non-complying states, and further providing that the United States Secretary of Labor would become the virtual dictator of all state workmen's compensation plans and administration; and

WHEREAS, this Legislature strongly believes, with the commission, that the administration of workmen's compensation laws can far better be handled by the several states than by a federal administration for the benefit of injured workmen involved as well as the public at large, and that further federal encroachment in this field would be a serious detriment to all workmen's compensation acts in this country to all persons affected thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That the Legislature urge, that all necessary effort be given to the defeat of S. 2008 and H.R. 8771, or of any similar proposed legislation, so that the workmen's compensation systems of the several states may be preserved.

2. That all states be encouraged to continue to improve their workmen's compensation systems.

3. That the Clerk of the Legislature send a copy of this resolution to each United States Senator and Member of the House of Representatives from Nebraska and to both houses of each of the other states of the United States.

UNANIMOUS CONSENT—Members Excused

Messrs. F. Carstens and Kime asked unanimous consent to be excused for a short time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 787. Title read. Considered.

Mr. Whitney moved to advance LB 787 to E & R for Review.

Mr. Nore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 861A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 783. Title read. Considered.

The Standing Committee amendment found in the Journal on page 783 for the Thirty-third Day was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Carpenter offered the following amendment:
Page 2 lines 18 through 22 Re-insert the Stricken Matter
Lines 22 and 23 Strike the new matter

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 27:

Burbach	Carpenter	C. Carsten	Chambers	DeCamp
Dickinson	Duis	Epke	Hasebroock	Kelly
Kennedy	Keyes	R. Lewis	Mahoney	Maresh
Marvel	Moylan	Murphy	Nore	Rasmussen
Richendifer	Savage	Schmit	Skarda	Stull
Syas	Warner			

Voting in the negative, 12:

Barnett	Cavanaugh	Clark	Fellman	Fowler
Goodrich	Johnson	F. Lewis	Luedtke	Marsh
Proud	Simpson			

Not voting, 10:

Anderson	F. Carstens	Kime	Kremer	Snyder
Stahmer	Stromer	Waldron	Whitney	Wiltse

The amendment was adopted with 27 ayes, 12 nays and 10 not voting.

Mr. Chambers moved to indefinitely postpone.

Mr. Rasmussen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Mr. F. Lewis requested a roll call vote on indefinitely postponing.

Voting in the affirmative, 33:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Hasebroock	Johnson	Kelly	Kennedy
Kime	Kremer	R. Lewis	Maresh	Marvel
Murphy	Nore	Proud	Rasmussen	Richendifer
Savage	Skarda	Stahmer	Stromer	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 12:

Cavanaugh	Fellman	Fowler	Goodrich	Keyes
F. Lewis	Luedtke	Mahoney	Marsh	Moylan
Schmit	Simpson			

Not voting, 4:

F. Carstens	Snyder	Stull	Waldron
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The motion to indefinitely postpone prevailed with 33 ayes, 12 nays and 4 not voting.

SPEAKER PROUD PRESIDING

MESSAGE FROM THE GOVERNOR

March 28, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith LB 616 without my signature and with my objections.

This is an unfair price fixing bill forcing higher retail prices and guaranteeing at least a 15% markup to be paid by the consumer.

I assume the introducer, Senator Carpenter, will attempt to persuade you to override this veto.

Nevertheless, I submit that this is still another probably unconstitutional and certainly unfair piece of legislation enacted by the Legislature at the expense of the people.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Member Excused

Mr. F. Lewis asked unanimous consent to be excused at 10:30 a.m. for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 851. Title read. Considered.

Standing Committee amendments found in the Journal on page 464 for the Nineteenth Day were considered.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 26:

Barnett	Burbach	C. Carsten	Clark	DeCamp
Epke	Fellman	Hasebroock	Johnson	Kelly
Kennedy	Kime	R. Lewis	Luedtke	Moylan
Proud	Richendifer	Savage	Schmit	Stahmer
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 9:

Anderson	Carpenter	Cavanaugh	Dickinson	Fowler
Goodrich	Keyes	Nore	Rasmussen	

Not voting, 14:

F. Carstens	Chambers	Duis	Kremer	F. Lewis
Mahoney	Maresh	Marsh	Marvel	Murphy
Simpson	Skarda	Snyder	Waldron	

The Standing Committee amendments were adopted with 26 ayes, 9 nays and 14 not voting.

Mr. DeCamp offered the following amendment:

1. In standing committee amendment 1 strike "twelve" and insert "9".
2. In standing committee amendment 4, lines 8 and 9 strike "Discounts paid by other than the borrower; prepayment" and insert "Prepayment".

The amendment was adopted with 27 ayes, 4 nays and 18 not voting.

Mr. DeCamp moved to advance LB 851 to E & R for Review.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 15:

C. Carsten	DeCamp	Dickinson	Fellman	Johnson
Kelly	Luedtke	Marsh	Murphy	Proud
Simpson	Skarda	Stahmer	Whitney	Wiltse

Voting in the negative, 20:

Anderson	Carpenter	Cavanaugh	Epke	Fowler
Goodrich	Kremer	R. Lewis	Mahoney	Maresh
Marvel	Moylan	Nore	Rasmussen	Richendifer
Savage	Schmit	Stull	Syas	Warner

Not voting, 14:

Barnett	Burbach	F. Carstens	Chambers	Clark
Duis	Hasebroock	Kennedy	Keyes	Kime
F. Lewis	Snyder	Stromer	Waldron	

LB 851 failed to advance to E & R for Review with 15 ayes, 20 nays and 14 not voting.

Mr. Warner moved to indefinitely postpone LB 851. The motion lost with 17 ayes, 20 nays and 12 not voting.

LEGISLATIVE BILL 785. Title read. Considered.

PRESIDENT MARSH PRESIDING

Mr. Stull offered the following amendment:
Make the effective date February 1, 1977

The amendment lost with 9 ayes, 16 nays and 24 not voting.

EXPLANATION OF VOTE

I was out of the Chambers at the time the Vote was taken on the kill motion on 783.

Had I been present I would have voted in favor of the kill motion.

(Signed) Leslie A. Stull

UNANIMOUS CONSENT—Members Excused

Mr. Marvel asked unanimous consent to be excused until 3:00 p.m. No objections. So ordered.

Mr. Kremer asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

UNANIMOUS CONSENT—Print Amendments in Journal

Mr. Marvel asked unanimous consent to print the following amendments in the Journal. No objections. So ordered.

Amendments to LB 1054 by Marvel

- 1) On page 79, line 8, insert before the semicolon “, Telecommunications Cash Fund”.
- 2) On page 52, after line 16, insert, “There is included in the amount shown \$45,000 general funds which sum shall be expended for operation and maintenance of the science wing of the Hiram Scott facility.”; on

page 52, line 25, strike "5,671,043", and insert "5,716,043"; on line 27, strike "6,011,143" and insert "6,056,143"; on page 54, after line 24, insert the following:

"Water Conservation and Efficiency	\$100,000
Weed Control	47,000
Field Research Costs - Panhandle Station	20,000
Extension and Field Research Veterinarian - Panhandle Station	39,000
Continuing Education - Panhandle Station	40,000

3) On page 55, line 2, strike "9,880,130" and insert "10,126,130"; on line 6, strike "15,712,988" and insert "15,958,988". On page 56, line 4, strike "37,121,809" and insert "37,412,809" and on line 8, strike "88,551,205" and insert "88,842,205".

4) On page 72, after line 13 insert the following:

"The Board of Regents shall develop policies and prescribe guidelines to determine if any "vacant student slots exist at any campus" and are herein authorized to implement such policies and procedures required to fill such vacant slots by adjusting tuitional rates, granting scholarships and adjust dormitory rates, provided, such adjustments do not exceed the authorized Expenditure limits for the fiscal year 1974-75."

5) On page 31, after line 12 insert the following:

"The Board of Trustees shall develop policies and prescribe guidelines to determine if any "vacant student slots exist at any campus" and are herein authorized to implement such policies and procedures required to fill such vacant slots by adjusting tuitional rates, granting scholarships and adjust dormitory rates, provided, such adjustments do not exceed the authorized Expenditure limits for the fiscal year 1974-75."

Amendments to LB 1054 by Marvel

1) On pages 2 and 3, strike subsection (1) of section 4, renumbering subsections (2) and (3) as subsections (1) and (2); on page 3, strike "1,404,626" and insert "775,481"; and in line 20, strike "1,812,417" and insert "1,183,272".

2) On page 3, lines 4 and 5, strike "63,500" and insert "56,500" in both places.

3) Insert a new section to read:

"Sec. 21. That section 4, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Sec. 4. Agency No. 05 -- Supreme Court

(1) Program No. 034 -- Court Administrator

There is included in the amount shown funds to provide for a uniform court records analysis system. The development and analysis of this system shall be performed in cooperation with the Department of Corrections -- Agency No. 46, Nebraska Commission on Law Enforcement and Criminal Justice -- Agency No. 78, and the District Courts -- Agency No. 06.

GENERAL FUND	76,368
FEDERAL FUND est.	56,185
PROGRAM TOTAL	132,553

(2) Program No. 251 - State Law Library	
GENERAL FUND	98,114
PROGRAM TOTAL	98,114
(3) Program No. 391 -- Office of Clerk	
GENERAL FUND	240,929
PROGRAM TOTAL	240,929
(4) Program No. 394 -- Judicial Nominating Commission	
GENERAL FUND	3,356
PROGRAM TOTAL	3,356
(5) Program No. 395 -- Office of Reporter	
GENERAL FUND	41,557
PROGRAM TOTAL	41,557
(6) Program No. 396 -- County Court System	
GENERAL FUND	2,804,708
FEDERAL FUND est.	30,000
PROGRAM TOTAL	2,834,708
<u>(7) Program No. 399 -- Court Reporters</u>	
<u>GENERAL FUND</u>	<u>642,145</u>
<u>PROGRAM TOTAL</u>	<u>642,145</u>
~~(7)~~ (8) Program No. 505 -- Commission on Judicial Qualifications	
GENERAL FUND	6,973
PROGRAM TOTAL	6,973
~~(8)~~ (9) Program No. 531 -- Court of Industrial Relations	
GENERAL FUND	36,494
PROGRAM TOTAL	36,494
For Informational Purposes Only: Total Appropriations to Agency No. 05 and Fund Source	
GENERAL FUND	~~3,308,499~~
	<u>3,950,644</u>
FEDERAL FUND est.	86,185
AGENCY TOTAL	~~3,394,684~~
	<u>4,036,829"</u>

4) Renumber sections 21 to 29 as sections 22 to 30.

5) Insert a new section to read:

"Sec. 31. That original section 4, Legislative Bill 997, Eighty-third Legislature, Session Session, 1974, is repealed."

Amendments to LB 1055 by Marvel

- 1) On page 9, line 7, after "North Platte", insert "including" and strike the parenthesis () in lines 7 and 8; and after line 15, insert "(4) The construction of weigh stations, salt storage buildings, fuel records buildings, communication facilities, and miscellaneous improvements on a statewide basis."
- 2) On page 25, line 26, strike "3,200,000" and insert "3,000,000".
- 3) On page 10, line 8 and 9, strike "Nebraska Capital Construction Fund" and insert "State General Fund".

- 4) On page 10, line 16 and 17, strike "Nebraska Capital Construction Fund" and insert "State General Fund".
- 5) On page 7, line 24, strike "\$36,790" and insert "\$46,790" in both places.
- 6) On page 8, line 6, after "improvements.", insert "There is included \$10,000 for the replacement of the fuel storage tank."
- 7) On page 26, line 4, after the work "cost", insert "from state funds".

Amendments to LB 1056 by Marvel

- 1) On page 4, line 11, after the word "acquisition" insert the following: "for payment towards the purchase of the Good Shepherd property with a total project cost not to exceed \$950,000."
- 2) On page 5, line 14, after the word "locations;", insert the following: "\$4,801 general funds herein reappropriated for program No. 971 shall be used towards the purchase of the Good Shepherd property with a total project cost not to exceed \$950,000."

Amendments to LB 1057 by Marvel

- 1) On page 13, after line 16 insert:
 "The State Board of Technical Community Colleges shall develop policies and prescribe guidelines to determine if any "vacant student slots exist at any campus" and are herein authorized to implement such policies and procedures required to fill such vacant slots by adjusting tuitional rates, granting scholarships and adjust dormitory rates, provided, such adjustments do not exceed the authorized Expenditure limits for the fiscal year 1974-75."

Amendment to LB 1058 by Marvel

- 1) On page 8, line 3, strike and show as stricken "45,000" and insert "67,500".

Amendment to LB 1059 by Marvel

- 1) Add a new section to read as follows:
 "That Section 67, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

<u>Fund Distribution in Dollars</u>			
	General	Cash	Federal
	(G) Fund	(C) Fund	(F) Fund
			Estimated
			By Program
Sec. 67. Commission on Mexican-Americans -- Agency No. 68			
Program No. 537 -- Mexican-American Commission	35,568		35,568
For Informational Purposes	~~30,370~~		~~30,370~~
Only: Total Appropriations to Agency No. 68 and Fund Source	35,568		35,568
	~~30,370~~		~~30,370~~

RESOLUTIONS**LEGISLATIVE RESOLUTION 140.**

Introduced by Cavanaugh, 9th District.

WHEREAS, the profession of social work profoundly affects the lives of the people of Nebraska; and

WHEREAS, there is a need to protect the public by setting standards of qualification, education, training, and experience for those who seek to engage in the practice of social work; and

WHEREAS, such standards should be promulgated so as to insure the highest standards of professional performance by those engaged in the profession of social work; and

WHEREAS, legislation on such a vital and broad area as social work services in the State of Nebraska requires intensive and thorough study to insure that any legislation proposed is not detrimental to the best interests of the citizens of the State of Nebraska.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council appoint a committee to conduct an interim study to consider the matter of certification or licensure and regulation of the profession and practice of social work.

2. That the committee at the conclusion of its study make a report of its findings, together with any recommendation, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 141.

Introduced by Cavanaugh, 9th District.

WHEREAS, the accessibility of criminal offender record information to agencies, organizations and individuals on national, state or local levels has generated substantial concern; and

WHEREAS, the administrative and statutory controls over such record accessibility concerning the collection, storage, dissemination and usage of such are effectively non-existent; and

WHEREAS, the direct result of such operates to affect the rights of the individual to privacy and the public's right to accurate criminal record information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a subcommittee be created which shall be a subcommittee of the Miscellaneous Subjects Committee to conduct an interim study of the

critical situation surrounding the conflicting interests between the informational needs of the Government, its agencies and the public on one hand and the sanctity, individuality, and privacy of the citizen on the other; such study to specifically include aspects concerning:

a) The effectiveness of the administrative controls over the collection, storage, dissemination and usage of such records;

b) The improvements in the organization and control of such records as is necessitated to effectively protect and provide for the desires of the conflicting interests;

c) The legislation which would be appropriate to adequately deal with the criminal offender record information situation;

d) The relationship of state and local criminal offender record information access by national interests, both public and private;

e) The role of the computer in record storage and dissemination;

f) The safeguards required to assure the fairness and strict adherence to the purposes established by such a study.

2. Whether legislation or constitutional amendments may be needed to accomplish changes which this study may determine to be desirable.

3. That the subcommittee report the results of the study and its recommendations to the Eighty-Fourth Legislature, First Session.

Referred to the Executive Board.

STANDING COMMITTEE REPORTS **Government, Military and Veterans Affairs**

LEGISLATIVE BILL 271. Placed on General File as amended.
(Standing Committee amendments on file in the Clerk's Office.)

(Signed) Ernest Chambers, Chairman

POINT OF PERSONAL PRIVILEGE

Speaker Proud read a communication to the members on highway safety bills from Mr. John Sullivan.

VISITORS

Speaker Proud introduced Miss Helena Kuokkanen from Finland; 5 Republican Club women from Clay County. President Marsh introduced 38 Girl Scouts, leaders and sponsors from Norfolk, Nebraska; 41 7th Grade students and teachers from Wayne Middle School, Wayne, Nebraska; 44 8th Grade students and teacher from Wakefield School, Wakefield, Nebraska; 20 Elementary students from District 75, Glenville, Nebraska.

RECESS

At 11:59 a.m., on a motion by Mr. C. Carsten, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:06 p.m., Mr. Barnett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Kremer, F. Lewis, Stull, Waldron and Wiltse who were excused; Mr. Marvel who was excused until 3:00 p.m.

UNANIMOUS CONSENT—Member Excused

Mr. DeCamp asked unanimous consent to be excused for 30 minutes. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 785. Considered.

Advanced to E & R for Review with 25 ayes, 4 nays and 20 not voting.

LEGISLATIVE BILL 302. Laid over until 3:00 p.m. at the request of Mr. Kennedy.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules to consider LB 795 and LB 1051 on General File immediately.

Mr. Carpenter asked unanimous consent to withdraw his motion. No objections. So ordered.

MOTION—Suspend Rules

Mr. Cavanaugh moved to suspend the rules to consider LB 795 and LB 1051 on General File at this time.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 25 ayes, 2 nays and 22 not voting.

The Call showed 37 members present.

Mr. Goodrich moved the Call be raised. The motion prevailed with 23 ayes, 7 nays and 19 not voting.

The motion to suspend the rules lost with 28 ayes, 4 nays and 17 not voting.

MESSAGE FROM THE SECRETARY OF STATE

March 28, 1974

Honorable Speaker and Members of the Legislature
Eighty-third Legislature, Second Session
Nebraska Unicameral Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Speaker and Members assembled:

Please be advised that Legislative Bill 997 has become law without the signature of the Governor.

Attached is my certification that L.B. 997 remained with the Governor five days, Sunday excepted, and that the Governor failed to veto the bill and failed to sign the bill. Said bill has become law under the provisions as set forth in the Constitution.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosure

CERTIFICATE
LEGISLATIVE BILL 997

THIS bill having remained with the governor five days, Sunday excepted, the Legislature being in session, the Governor having failed to sign said bill, the Governor having failed to return this bill to the Legislature during its session, it has thereby become a law.

Witness my hand this 28th day of March, 1974, A.D.

(SEAL)

(Signed) ALLEN J. BEERMANN,
Secretary of State

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1054. Placed on Select File as amended.
E & R amendments to LB 1054:

1. On page 3, lines 23 to 26, strike "Parole Board" and insert "Board of Parole".
2. On page 10, line 20, insert "State" after "the".
3. Insert "Nebraska" before "Commission" on page 5, line 14 and page 21, line 21.

4. On page 24, insert "State" at the end of line 6.
5. On page 27, insert "State" at the end of line 1.
6. On page 47, lines 18 and 19, and on page 59, lines 21 and 22 strike "subsections (a) to (e) of this section" and insert "subdivisions (a) to (e) of this subsection".
7. On page 72, line 15, insert "of this act" after "17".
8. On page 78, insert "of this act" at the end of line 16.
9. In lieu of the Rasmussen amendments to pages 55 and 56, on page 55 as amended, line 2, strike "9,935,130" and insert "10,013,130" and in line 6 strike "15,767,988" and insert "15,845,988"; and on page 56 as amended, line 4, strike "37,176,809" and insert "37,254,809" and in line 8 strike "88,606,205" and insert "88,684,205".

LEGISLATIVE BILL 1055. Placed on Select File as amended.
E & R amendments to LB 1055:

1. On page 7, line 13, strike "Nebraska State Fair Board" and insert "State Board of Agriculture".
2. On page 13, line 17, strike "on" and insert "of".
3. On page 24, line 26, insert "at" after "Nebraska".
4. On page 27, line 25, strike "paragraph 2 of".
5. On page 28, line 20, insert "of the State Capitol" after "lot".
6. On page 29, line 11, strike "paragraph 2 of".

LEGISLATIVE BILL 1056. Placed on Select File as amended.
E & R amendments to LB 1056:

1. In the title, line 2, insert "appropriations and" after "make".

LEGISLATIVE BILL 1057. Placed on Select File as amended.
E & R amendments to LB 1057:

1. On page 8, strike lines 15 to 17.
2. On page 12, line 26, strike "subsections" and insert "subdivisions"; and after the comma in line 27 insert "Revised Statutes Supplement, 1973,".
3. In the title, line 2, strike "84" and insert "83".

LEGISLATIVE BILL 1058. Placed on Select File as amended.
E & R amendment to LB 1058:

1. On page 13, line 5, insert "and also section 7, Legislative Bill 579, Eighty-third Legislature, First Session, 1973, and section 27, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, as amended by section 1, Legislative Bill 676, Eighty-third Legislature, Second Session, 1974," after the third comma.

LEGISLATIVE BILL 1059. Placed on Select File as amended.
E & R amendment to LB 1059:

1. In the title, line 7, insert "respectively" after "amended".

LEGISLATIVE BILL 1049. Placed on Select File.

LEGISLATIVE BILL 932. Placed on Select File as amended.
E & R amendments to LB 932:

1. On page 4, line 23, strike "The" and insert "Each of the".

2. On page 5, insert "the names of" after "Beneath" in line 6 and after "beneath" in line 8; in line 14 insert "to be" after "considered"; in line 17 strike "said" and insert "the"; in line 19 strike "In the event" and insert "If"; in line 25 strike "the write-in" and insert "this"; and in line 27 strike "office" and insert "the offices".

3. On page 6, line 7, insert "the names of" after "beneath".

4. In the title, line 4, strike "for office" and insert "by petition for the offices"; and in line 5 insert "and for write-in candidate" after the second "Governor".

LEGISLATIVE BILL 933. Placed on Select File as amended.
E & R amendment to LB 933:

1. On page 3, line 25, insert an underscored comma after the second "Governor"; and in line 26 insert "that" after "except".

LEGISLATIVE BILL 665. Placed on Select File as amended.
E & R amendments to LB 665:

1. In committee amendment 2, line 3, strike the first word and insert "education".

2. In the title, line 3, insert "the" after "to"; and in line 4 strike "scale" and insert "law".

LEGISLATIVE BILL 754. Placed on Select File as amended.
E & R amendments to LB 754:

1. Because of committee amendment 5, strike the new matter on page 14, line 19.

2. In new section 8, line 18, strike ". Further," and insert "and".

3. In committee amendment 9, line 1, strike the first "15" and insert "14".

4. On page 30, line 25, strike "(26)" and insert "(25)".

5. On page 32, line 24, insert "by" after "or".

6. In committee amendment 12, line 2, insert "the" after "from"; and in line 4, strike the first comma.

7. In lieu of committee amendment 13, on page 35, line 17, insert "selling at auction" after "dealer".

8. In committee amendment 14, line 1, strike "2" and insert "20".

9. For correlation purposes, on page 21, line 4, insert ", as amended by section 10, Legislative Bill 826, Eighty-third Legislature, Second Session, 1974" after "1972"; on page 21, line 24, strike "did" and insert "done"; on page 23, in line 11, strike "or"; after line 11, insert

"(14) Has failed to comply with any provision of Chapter 71, article 46 or with any code, standard, or rule or regulation adopted or made under the authority of or pursuant to the provisions of Chapter 71, article 46; ~~or~~"; in line 12 strike "(14)" and insert "(15)"; and renumber new subdivisions "(15)" and "(16)" as subdivisions "(16)" and "(17)".

10. On page 35, line 21, strike "60-1411.02,"; in line 22 strike "and"; and in line 23 insert ", and section 60-1411.02, Revised Statutes Supplement, 1972, as amended by section 10, Legislative Bill 826, Eighty-third Legislature, Second Session, 1974" after "1973".

11. In the title, insert "60-1404," at the end of line 2; in line 3 insert "60-1409," after the third comma; in line 4 strike "60-1411.02,"; in line 6 strike "and"; in line 7 insert ", and section 60-1411.02, Revised Statutes Supplement, 1972, as amended by section 10, Legislative Bill 826, Eighty-third Legislature, Second Session, 1974" after "1973"; in lines 9 and 10 strike "that no minor shall be eligible" and insert "disqualifications"; and in line 10 insert "to provide for an attorney; to provide for the use of funds;" after the semicolon.

LEGISLATIVE BILL 754A. Placed on Select File.

LEGISLATIVE BILL 757. Placed on Select File as amended. E & R amendments to LB 757:

1. Renumber the section added by the Cavanaugh amendment as section 10 and original sections 4 to 8 as sections 11 to 15.

2. In committee amendment 1, line 1, strike " 'system' " and insert "the first comma"; and in line 5 insert "in" after the second "or".

3. In the first Barnett amendment, insert "1" after "amendment".

4. In committee amendments 4 to 12, strike "the provisions of section 1 of this act" and insert "section 31-727".

5. In committee amendment 12, line 3, strike "26" and insert "24".

6. In the Dickinson amendments, page 3, line 10, strike the comma and show stricken.

7. In the Dickinson amendments, page 6, line 21, strike the comma and show stricken.

8. In renumbered section 10, line 22, strike the comma and show stricken.

9. For correlation purposes, on page 11, line 18, insert "", as amended by section 1, Legislative Bill 629, Eighty-third Legislature Second Session, 1974" after "1973"; on page 13, line 4, insert "; Provided, that if such improvements are without the area of the zoning jurisdiction of any municipality, plans for such improvements shall be approved by the county board of the county wherein such improvements are located" after "municipality"; in lines 7 and 10 insert "or county" after "municipality"; and at the end of line 19 insert "The municipality or county shall be required to approve plans for such improvements and shall enforce compliance with such plans by action in equity."

10. On page 8, line 3 and page 10, line 5, insert "for" before "the".

11. On page 21, line 26, strike "another district" and insert "other districts".

12. On page 23, strike lines 23 to 25 and amendments thereto and insert:

"Sec. 15. That original sections 14-115, 15-106, 16-112, 17-405, 17-416, and 19-2508, Reissue Statutes of Nebraska, 1943, section 31-735, Revised Statutes Supplement, 1972, sections 31-727, 31-728, 31-729, 31-739, 31-744, and 31-749, Revised Statutes Supplement, 1973, and section 31-740, Revised Statutes Supplement, 1973, as amended by section 1, Legislative Bill 629, Eighty-third Legislature, Second Session, 1974, are repealed."

13. In the title, strike lines 2 to 7 and insert:
 "FOR AN ACT relating to the development of real property; to require the filing of plats with the county assessor; to harmonize with other legislation; to provide additional authority for sanitary and improvement districts and change their election provisions; to amend sections 14-115, 15-106, 16-112, 17-405, 17-416, and 19-2508, Reissue Revised Statutes of Nebraska, 1943, section 31-735, Revised Statutes Supplement, 1972, sections 31-727, 31-728, 31-729, 31-739, 31-744, and 31-749, Revised Statutes Supplement, 1973, and section 31-740, Revised Statutes Supplement, 1973, as amended by section 1, Legislative Bill 629, Eighty-third Legislature, Second Session, 1974; and to repeal the original sections."

LEGISLATIVE BILL 787. Placed on Select File as amended.
E & R amendments to LB 787:

1. On page 2, before line 1, insert:

"Section 1. That section 1, Legislative

Bill 445A, Eighty-third Legislature, First Session,
1973, be amended to read as follows:".

LEGISLATIVE BILL 861A. Placed on Select File.

(Signed) John J. Cavanaugh, Chairman

MOTION—Adjournment

Mr. Carpenter moved that when we adjourn this afternoon we adjourn until 10:00 a.m. Monday.

Mr. Murphy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Chair ruled the motion to adjourn would take a simple majority.

The Carpenter motion to adjourn until 10:00 a.m. Monday, when we adjourn this afternoon prevailed with 20 ayes, 18 nays and 11 not voting.

Mr. Maresh appealed the decision of the Chair. The question is, "Shall the Chair be overruled."

The motion lost with 12 ayes, 23 nays and 14 not voting.

SPEAKER PROUD PRESIDING

UNANIMOUS CONSENT—Member Excused

Mr. Dickinson asked unanimous consent to be excused the remainder of this afternoon and Monday, April 1. No objections. So ordered.

UNANIMOUS CONSENT—Select File Bills

Mr. Carpenter asked unanimous consent to take up the Select File bills reported in today.

Mr. Chambers objected.

Mr. Cavanaugh moved to take up Select File.

Mr. Richendifer asked unanimous consent to be excused this afternoon and tomorrow. No objections. So ordered.

Mr. Rasmussen asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

The Cavanaugh motion to take up Select File lost with 15 ayes, 15 nays and 19 not voting.

MOTION—Adjourn

Mr. Carpenter moved to adjourn until 10:00 a.m., Monday, April 1. The motion lost with 8 ayes, 22 nays and 19 not voting.

GENERAL FILE

LEGISLATIVE BILL 953. Title read. Passed over temporarily.

LEGISLATIVE BILL 302. Title read. Considered.

Standing Committee amendments 1 and 2 found in the Journal on page 718 for the Thirty-second Day were considered.

Mr. Kennedy moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays and 31 not voting.

Mr. Kennedy moved the Call be raised. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

Standing Committee amendments 1 and 2 were adopted with 26 ayes, 0 nays and 23 not voting.

PRESIDENT MARSH PRESIDING

The Standing Committee amendments computerized Req. No. 2592 referred to in the Journal on page 718 for the Thirty-second Day were considered.

Mr. Kennedy moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays and 29 not voting.

Mr. C. Carsten asked unanimous consent to Raise the Call. No objections. So ordered.

Standing Committee amendments were adopted with 28 ayes, 0 nays and 21 not voting.

Mr. C. Carsten asked unanimous consent to withdraw his amendment found in the Journal on page 1090 for the Forty-third Day. No objections. So ordered.

Mr. Kennedy renewed his amendment found in the Journal on page 1090 for the Forty-third Day. The amendments were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Goodrich asked unanimous consent to withdraw his amendments found in the Journal on page 1131 and 1132 for the Forty-fourth Day. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 27, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 660, 354, and 755. These bills were signed by me on March 27, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Print Amendments to LB 1054 in Journal

Mr. Mahoney asked unanimous consent to print the following amendments to LB 1054 in the Journal. No objections. So ordered.
(22) On page 57, line 10 strike "731,143" and insert "746,143"; on page 62, after line 21 insert the following:

"Goodrich plan 15,000"

And on page 62, line 26 strike "5,110,668" and insert "5,125,668"; and on page 63, line 2 strike "10,933,265 and insert "10,948,265"; and on page 65, line 18 strike "8,975,079" and insert "8,990,079"; and on line 22, strike "17,876,196" and insert "17,891,196".

UNANIMOUS CONSENT—Select File Bills

Mr. Carpenter asked unanimous consent to consider Select File bills 932, 933, 665, 754, 754A, 757, 787 and 861A. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 932. E & R amendments found in this day's Journal were adopted.

Mr. Carpenter asked unanimous consent to hold the bill over.

Mrs. Marsh objected.

Mrs. Marsh moved to advance LB 932 to E & R for Engrossment with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 933. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 665. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 754. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 754A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 757. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 787. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 861A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Unbracket LB 875

Mr. Carpenter asked unanimous consent to unbracket LB 875 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 875. Mr. Barnett offered the following amendment:

Amend the Standing Committee amendment 2 found on page 549 of the Journal by striking in lines 2 and 3 thereof, "men aged sixty-five or older and for women aged sixty-two." And insert in lieu of the following "On the regular public transit buses for those persons sixty years of age"

Add after "ity" in line 5 "or city, whichever has jurisdiction".

Amendment pending.

GENERAL FILE

LEGISLATIVE BILL 302. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

VISITORS

Speaker Proud introduced Senator Kennedy's daughter Mrs. Raymond Andersen, and children Andy, Eric and Jill from Pierce, Nebraska; Representative Mike Parker from Tacoma, Washington.

ADJOURNMENT

At 4:05 p.m., on a motion by Mr. Stahmer, the Legislature adjourned until 10:00 a.m., Monday, April 1, 1974.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FOURTH DAY—APRIL 1, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 1, 1974

Pursuant to adjournment, the Legislature met at 10:01 a.m., Speaker Proud presiding.

PRAYER

The Prayer was offered by the Chaplain.

Eternal God, our Father, how grateful we are for families and friends and associates who demonstrate a genuine interest in governmental affairs. Guide us this day, so we may have a composure when things go wrong; a serenity when we are irritated; and a willingness to go on when the going gets rough. Assist us so that we may control our tempers and regulate our speech; so we may have a central calm in the midst of storms, so we may respect our colleagues although differing with them.

Give us broad horizons so no people in our state will ever be without our concern.

In our Master's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach and Rasmussen who were excused and Mr. DeCamp who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-third Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused at 2:00 p.m. this afternoon. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

March 28, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 710, 721, 789, 790A, 926, 1003, and 1004, and Reengrossed Legislative Bills Nos. 790 and 1024.

These bills were signed by me on March 27, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

March 29, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am attaching herewith a letter received by me from Attorney General Clarence A. H. Meyer regarding our continued attempts to maintain the scenic highway and attraction signs on the interstate system in Nebraska.

I have written the Congressional delegation as per the letter attached for their help.

Since I assume that you have had no response to the resolution which you passed on this subject, I thought that you might appreciate my advising you of my actions in this area, with which I hope you will concur.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

2 Attachments

Attachment (1)

March 27, 1974

Honorable J. James Exon
Governor of Nebraska
State House
Lincoln, Nebraska

Dear Governor:

This is to verify the brief conversation which we had relative to the telephone communication from Mr. Norbert Tiemann, Federal Highway Administrator, relative to the removal of certain travel information, attraction guide, and scenic drive vacation route signs along the Nebraska Interstate. He advises that the March 15 request to Division Engineer Hogrefe for a formal hearing on the matter will be denied. He urged that the request might well be withdrawn by the State in view of the consideration which has already been given to Nebraska on this project.

Mr. Tiemann reaffirmed that the absolute deadline for removal of the signs would be June 1.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:dnej

Attachment (2)

March 29, 1974

Nebraska Congressional Delegation:

The Honorable Carl Curtis
The Honorable Roman Hruska
The Honorable John Y. McCollister
The Honorable Dave Martin
The Honorable Charles Thone
Washington, D. C.

Gentlemen:

I attach herewith a copy of a letter of March 27 to me from Attorney General Clarence A. H. Meyer

It appears as though Nebraska is being dictated to unreasonably once again by the Federal government concerning the excellent tourist information and recreational signs that are presently on Nebraska's interstate system. These signs are helpful to the traveling public in pointing out some of Nebraska's key attractions and have been enthusiastically received by all interests.

We have been carrying on this battle now for several months with the Department of Transportation, and the Nebraska Legislature passed a resolution supporting the continuance of these signs and forwarded the same to each of you some time ago.

May we seek your immediate assistance with the administration and the Department of Transportation in correcting what we feel to be an arbitrary decision detrimental to the interests of Nebraska.

We were particularly disappointed that even our review for a formal hearing on the matter had been denied. This in itself would appear to be unreasonable.

Once again, we find the hand of the Federal bureaucracy holding "a gun at our heads" with regard to withholding of highway tax dollars paid by the people of this state to Washington but withheld if we do not bend to their will.

We would appreciate your early advice as to what constructive action we might take. At least, I am hopeful that you could assure us a fair hearing in the administration to present our case.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

cc: Tom Doyle

The Honorable Clarence Meyer

March 30, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 921 without my signature and with my strong objections.

Unfortunately, the opinions of the Attorney General have had little impact on the Legislature as you exercise your will oftentimes regardless of constitutionality or proper procedure. Nevertheless, I attach herewith another opinion from that Constitutional officer once again supporting my position. May I request that you at least carefully consider and study all of the objections.

The bill is a monstrosity! I am amazed that it was passed by your body by a vote of 41 to 1. I cannot believe the vast majority of the Legislature understood what they were voting for.

Last year, we passed needed legislation that met the special need of emergency movement of farm products to market. Here you are expanding that special and needed concession beyond all reasonable or necessary bounds.

Here again, the Legislature, through the clever parliamentary maneuvering by Senator Carpenter, has been mesmerized into action that I believe the majority does not favor.

Here again, the Legislature has flaunted your intended deliverative processes by allowing floor amendments that materially affect the original intent of the bill after public hearing.

Here again, the Legislature has acted in haste without due deliberation or consideration of the real thrust of your actions.

You should note the improper and unenforceable construction in Section 2, 39-722.01 wherein you have contradicted yourselves in the same section. First, you establish permits for overweightes of up to 25%, and then you subsequently, in the same section, direct "no permits" are necessary at any overweightes, or to any place at anyone's discretion if farm products are being moved.

This means that any truck could indiscriminately travel Nebraska's roads anywhere without any weight limitations in such categories.

Even the trucking interest seem to feel that you have gone way too far. The bill is certainly not in the best interest of the farmers or the rest of Nebraska's taxpayers from either the standpoint of highway maintenance costs or safety.

Our administration has recently taken action to allow some higher load limits on the interstate. LB 921 could cause a cut-off of Federal highway funds since you have not recognized Federal weight limitations.

The Department of Roads estimates such actions would seriously overload our highways and bridge systems and result in more than 2 1/2 times the damage being experienced under existing weight limitations for each vehicle so overloaded.

This expensive undertaking would occur at a time when we are already facing skyrocketing maintenance costs and declining highway revenues.

Attached hereto for your consideration is the Attorney General's opinion and factual material prepared by the Department of Roads.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

Attachment

March 29, 1974

The Honorable J. James Exon
Governor of Nebraska
State Capitol Building
Lincoln, Nebraska

Re: L. B. 921

Dear Governor:

You ask our opinion about the propriety of L. B. 921 and particularly about section 2 thereof which amends Section 39-722.01, 1973 Supplement.

This section generally provides for the granting of special permits for the movement of vehicles which would normally not be allowed to use the highways because of size, weight or load.

There appears to us to be some major conflicts in two parts of section 2 of the bill. One part provides, in part:

"The Department of Roads or the Nebraska State Patrol with respect to highways under their jurisdiction * * *, and county authorities with respect to highways under their jurisdiction may in their discretion upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant * * * (c) to operate vehicles loaded up to twenty-five per cent greater than the maximum weight specified by law when carrying grain or other seasonally harvested products from the field where they are harvested to storage or interim sites of temporary storage to locations of permanent storage or market * * *."

The underlined portion of the above is one of the new amendments to the statute.

The other portion of the bill that appears to be in conflict with the above, provides:

"* * *, and no permit shall be required for vehicles engaged in carrying grain or other seasonally harvested products from the field where they are harvested or interim sites of temporary storage to locations of permanent storage or market."

This quote is all new.

The first quote says a permit is needed to do a certain thing and the second quote says no permit is needed to do the same thing. Since both cited portions of the bill were amended it cannot be said that the latest amendment controls. Both were amended at virtually the same time.

The next conflict is in allowable weight. In the cited portion where a permit is needed the maximum allowable load is "up to twenty-five per cent greater than the maximum weight specified by law". In the new amendment that does not require a permit there is virtually no limitation on the weight of the vehicle.

It is our opinion that the penalty portion of this bill would be difficult if not impossible to enforce.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

JJD:smh (Signed) James J. Duggan
Assistant Attorney General

(Department of Roads material on file in the Clerk's office).

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of March 28, 1974. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Robinson, Stephen R. - Lincoln (Inactive) N-Triple-C

LEGISLATIVE COUNCIL REPORT

Nebraska Legislative Council Committee Report No. 210 of the Nebraska Transportation Advisory Committee is on file in the Clerk's office.

STANDING COMMITTEE REPORTS Committee on Committees

March 28, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

F. B. Thompson Board of Public Roads Classifications & Standards

No one appeared in favor or in opposition to the appointment of Mr. Thompson. Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (4) Senators Chambers, Snyder, Stahmer and Stromer.

Reed Gilmore – Oil & Gas Conservation Commission

No one appeared in favor or opposition to the appointment of Mr. Gilmore. Committee Vote: for: (9) Senators Barnett, Duis, Epke, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (4) Senators Chambers, Snyder, Stahmer and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman

March 28, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee on Committees suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

John Mason – Oil & Gas Conservation Commission

Reed Gilmore appeared in support of Mr. Mason's appointment and no one appeared in opposition. Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (4) Senators Chambers, Snyder, Stahmer and Stromer.

John Shoemaker – Power Review Board

No one appeared either in opposition or in favor to the appointment of John Shoemaker. Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (4) Senators Chambers, Snyder, Stahmer and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman

March 28, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

John Sullivan
Agricultural Products Industrial Utilization Committee

No one appeared either in favor or opposition to this appointment. Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (4) Senators Chambers, Snyder, Stahmer and Stromer.

Gary Shults
Agricultural Products Industrial Utilization Committee

Senator Wally Barnett appeared in support of this appointment. No one appeared in opposition. Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against: None.

Absent and not voting: (4) Senators Chambers, Snyder, Stahmer and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman

March 28, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Robert R. Rauner
Agricultural Products Industrial Utilization Committee

Senator Ramey C. Whitney appeared in support of the appointment. No one appeared in opposition. Committee Vote: For: (7) Senators Barnett, Chambers, Epke, Nore, Stahmer, Stromer, Whitney. Against: None. Absent and not voting: (6) Senators Duis, Johnson, Luedtke, Snyder, Stull and Wiltse.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman

March 28, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Ronald Kelly
Agricultural Products Industrial Utilization Committee

Senator Leslie A. Stull appeared in support of the appointment. No one appeared in opposition. Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (4) Senators Chambers, Snyder, Stahmer and Stromer.

Jack Quackenbush
Agricultural Products Industrial Utilization Committee

Senator E. Thome Johnson appeared in support of this appointment. No one appeared in opposition. Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (4) Senators Chambers, Snyder,

Stahmer and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman

March 28, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Holly Hodge, Jr.
Agricultural Products Industrial Utilization Committee

Senator Herb Duis and Senator Ramey C. Whitney appeared in support of the appointment and no one appeared in opposition. Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (4) Senators Stahmer, Chambers, Snyder and Stromer.

Ervain J. Friehe
Agricultural Products Industrial Utilization Committee

Senator Ramey C. Whitney appeared in support of the appointment of Mr. Friehe. No one appeared in opposition. Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Luedtke, Nore, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (4) Senators Chambers, Snyder, Stahmer and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 932. Replaced on Select File as amended.
E & R amendment to LB 932:

1. On page 4, line 25, strike "their" and
insert "his or her".

LEGISLATIVE BILL 754. Replaced on Select File as amended.
E & R amendment to LB 754:

1. In new section 8, line 9, insert "Nebraska"
before "Motor".

LEGISLATIVE BILL 754A. Replaced on Select File as amended.
E & R amendment to LB 754A:

1. On page 2, line 3, and in the title,
line 4, strike "Dealers" and insert "Industry".

LEGISLATIVE BILL 757. Replaced on Select File as amended.
E & R amendments to LB 757:

1. On page 12, line 11, insert an underscored
comma after "building".

2. On page 12, line 27, and page 13, line 1,
strike "another district" and insert "other districts".

LEGISLATIVE BILL 785. Placed on Select File as amended.
E & R amendment to LB 785:

1. In the title, line 5, strike "county judge
districts" and insert "courts".

LEGISLATIVE BILL 302. Placed on Select File as amended.
E & R amendments to LB 302:

1. On page 8, line 23, strike "the other"; and
in line 24, insert "of the funds" after "cent".

2. In the title, line 2, insert "to establish
regions;" after the second semicolon; and in line 4 insert
"to provide for the appointment of regional governing boards;"
after the semicolon.

Correctly Engrossed

The following bills were correctly engrossed: 665, 787, 861A and 1053.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS Public Works

LEGISLATIVE BILL 836. Placed on General File as amended.
Standing Committee amendments to LB 836:

1. On page 2, lines 15 to 19, strike all new
material.

2. On page 3, lines 21 to 27, strike all new
material.

3. On page 4, lines 1 to 17, strike all new material.

(Signed) Maurice A. Kremer, Chairman

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules to consider only LB 877 and LB 897 on Final Reading.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 877. With Emergency.

A BILL FOR AN ACT to amend sections 32-1135 and 32-1149, Revised Statutes Supplement, 1973, and section 32-1134, Revised Statutes Supplement, 1973, as amended by section 1, Legislative Bill 614, Eighty-third Legislature, Second Session, 1974, relating to elections; to redefine terms; to provide conditions for contributions by political committees and corporations; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Barnett	Carpenter	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Savage	Schmit	Skarda
Stahmer	Waldron	Warner	Whitney	

Voting in the negative, 9:

Keyes	Kime	Richendifer	Simpson	Snyder
Stromer	Stull	Syas	Wiltse	

Not voting, 6:

Anderson	Burbach	DeCamp	F. Lewis	Proud
Rasmussen				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 897. With Emergency.

A BILL FOR AN ACT to amend sections 17-204, 19-605, 32-232, and 32-1001.37, Reissue Revised Statutes of Nebraska, 1943, section 32-522, Revised Statutes Supplement, 1972, and sections 19-3005, 32-4,101, 32-503.01, and 79-428, Revised Statutes Supplement, 1973, relating to elections; to clarify and harmonize provisions with previous legislation; to provide when certain actions shall be taken; to provide for vacancies in office and on the ballot; to provide different election hours for parts of the state; to permit late opening of the polls as prescribed; to provide for the costs of Class III school district elections; to repeal the original sections, and also sections 19-622, 32-445, 32-446, and 32-447, Reissue Revised Statutes of Nebraska, 1943, sections 19-3004 and 32-314, Revised Statutes Supplement, 1972, and section 79-427, Revised Statutes Supplement, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Dickinson	Duis	Epke	Fellman
Fowler	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Proud	Richendifer	Schmit	Simpson
Skarda	Stromer	Waldron	Warner	

Voting in the negative, 10:

Clark	Goodrich	Kime	Nore	Savage
Snyder	Stull	Syas	Whitney	Wiltse

Not voting, 5:

Burbach	Chambers	DeCamp	Rasmussen	Stahmer
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 128. Indefinitely postponed.

Committee Statement on LR 128:

LR 128 was a Resolution for a Constitutional Amendment to return the Legislature to biennial sessions which many believe in this Legislature would be an improvement over annual sessions of ninety and sixty days. The fact that too many bills were introduced and the Senate feels crowded in trying to meet a deadline many proponents felt was working adversely toward a sound approach to legislation. The opponents felt that the sixty and ninety days were working and that it was lack of discipline in the Legislature that was causing the difficulties and if strong leadership would exist and good discipline that the annual sessions would work better than biennial. The committee Indefinitely Postponed LR 128.

Appearing in favor of LB 128 were Senator Eugene Mahoney, the Introducer; Senator Leslie A. Stull, 49th District; Hugo Srb; S. H. Brauer.

Appearing in opposition to LR 128 were Senator Roland Luedtke; Senator David Stahmer; Elton Berck and Senator Calvin Carsten.

On a motion to Indefinitely Postpone LR 128 there were 4 ayes, 2 nays and 1 absent. Voting aye were Senator Anderson, Carstens, Kelly and Snyder. Voting nay were Senators Syas, and Keys. Senator Burbach was absent.

(Signed) George Syas, Chairman

April 1, 1974

LEGISLATIVE RESOLUTION 133. Placed on General File as amended.

Standing Committee amendments to LR 133:

1. Strike the original resolution and insert the following:

"A Resolution to propose an amendment to Article VII, section 10 of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. The general government of the University of Nebraska as it now exists and the four year state educational institutions at Chadron, Peru, Kearney, and Wayne, Nebraska, together with such other four year educational institutions as may be designated by law, shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided. Their terms of office shall be for six years each. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their

duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

Article VII, section 13 of the Constitution of Nebraska is hereby repealed."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide for the general government of the University of Nebraska, Chadron State College, Peru State College, Kearney State College and Wayne State College under the Board of Regents of the University of Nebraska.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska."

Committee Statement on LR 133:

LR 133 is a Constitutional Amendment, which as amended, places the four state colleges, Peru, Chadron, Wayne and Kearney under the jurisdiction of the Board of Regents of the University of Nebraska, making the four a part of the University. Also, LR 133 allows the Legislature to take in at a later date, by law, such other four year education institutions as may be designated by law under the University complex.

The Committee also amended out the new section in the Resolution concerning community colleges and technical colleges as it was thought they were not sufficiently stabilized at the present time to be in a Constitutional Amendment.

The Committee was working under a deadline and it must, in all fairness, be stated that we did not have sufficient time to give the Resolution the attention that we could have given it earlier in the session.

Appearing in favor of LR 133 were Senator Terry Carpenter, the Introducer; Kermit Hansen, U of N Board of Regents; F. B. Decker, Wayne, Nebraska; Kent Hall, Mayor, City of Wayne; Robert L. Walker, Kearney; Carl Spelts, Kearney; B. J. McDonald, Kearney; David Dow; Arlo E. Wirth, Vice-Chairman, State of Nebraska Technical Community Colleges; Lawrence Poston, Nebraska AAUP; Dr. Robert Koefoot, Board of Regents; S. D. Anderson, Faculty, Wayne State; Robert Roun, Member

of the Board of Regents, appearing for himself; Dr. Robert Prokop, Board of Regents; Tom Carney, Member of the Student Council, Wayne State; Dean Young, President of the student body, Peru State College; John Sanders, Editor, Auburn newspapers.

Appearing in opposition to LB 133 were Larry A. Tangeman, Chadron; Lavern Mathews, representing the local alumni chapter at Peru; Richard Hork, businessman from Nebraska City; Elmer Corbet, Chadron Chamber of Commerce; Doris Gates, President of the Faculty Association at Chadron; William Caldwell, farmer-rancher from Chadron; and Herb Nore, Senator from the 22nd District.

On a motion to advance as amended there were 4 ayes and 2 nays and 1 absent. Voting aye were Senators Syas, Anderson, Kelly and Keyes. Voting nay were Senators Carstens and Snyder. Senator Burbach was absent.

(Signed) George Syas, Chairman

April 1, 1974

LEGISLATIVE RESOLUTION 134. Placed on General File.
Committee Statement on LR 134.

The Committee placed LB 134, a Constitutional Amendment, on General File without amendments and the Introducer's Statement of Intent explains sufficiently the purpose of the Resolution.

"The purpose of this resolution is to take the four state colleges out of the Constitution so that the Legislature can provide for their governance by statute as they best deem fit."

I might say further that it is doubtful that both Resolutions would be needed in that LR 133, if it would be advanced, it is doubtful that you would need LR 134. Again, the Committee put this one out because of the time element and not having sufficient time to give thoughtful deliberations to the Resolution as would have taken place if it had been introduced earlier in the session.

Appearing in favor of LR 134 were Senator David Stahmer, the Introducer.

Appearing in opposition of LR 134 were Kermit Hansen, Board of Regents; Robert S. Walker, Board of Trustees, Kearney; and Herb Nore, Senator from the 22nd District.

On a motion to advance there were 4 ayes, 2 nays and 1 absent. Voting aye were Senators Syas, Kelly, Keyes and Snyder. Voting nay were Senators Anderson and Carstens. Senator Burbach was absent.

April 1, 1974

(Signed) George Syas, Chairman

MOTION —Suspend Rules

Mr. Kremer moved to suspend the rules to consider LB 795 and LB 1051 on General File at this time. No objections. So ordered.

Mr. Kremer requested a division of the question.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 6 nays and 12 not voting.

Mr. Nore requested a record vote on the motion to suspend the rules to consider LB 795 on General File.

Voting in the affirmative, 27:

Anderson	Barnett	F. Carstens	Cavanaugh	Chambers
Duis	Epke	Fellman	Fowler	Hasebroock
Johnson	Kennedy	Keyes	Kime	Kremer
R. Lewis	Maresh	Marsh	Moylan	Nore
Richendifer	Schmit	Stahmer	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 17:

Carpenter	C. Carsten	Clark	DeCamp	Dickinson
Goodrich	Kelly	F. Lewis	Mahoney	Marvel
Murphy	Proud	Savage	Skarda	Snyder
Stromer	Stull			

Not voting, 5:

Burbach	Luedtke	Rasmussen	Simpson	Waldron
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The motion lost with 27 ayes, 17 nays and 5 not voting.

Mr. F. Lewis requested a record vote on the motion to suspend the rules to consider LB 1051 on General File.

Voting in the affirmative, 27:

Anderson	Barnett	F. Carstens	Cavanaugh	Chambers
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kennedy	Keyes	Kime
Kremer	Maresh	Marsh	Moylan	Nore
Savage	Schmit	Stahmer	Stull	Syas
Warner	Wiltse			

Voting in the negative, 18:

Carpenter	C. Carsten	Clark	DeCamp	Dickinson
Kelly	F. Lewis	Luedtke	Mahoney	Murphy
Proud	Richendifer	Simpson	Skarda	Snyder
Stromer	Waldron	Whitney		

Not voting, 4:

Burbach R. Lewis Marvel Rasmussen

The motion lost with 27 ayes, 18 nays and 4 not voting.

SELECT FILE

LEGISLATIVE BILL 875. Mr. Barnett asked unanimous consent to withdraw his pending amendment found in the Journal on page 1406 for the Fifty-third Day. No objections. So ordered.

Mr. Snyder offered the following amendment:
In the Standing Committee amendment, Strike Section 2.

Mr. Carpenter requested a roll call vote on the Snyder amendment.

Mr. Syas moved for a Call of the House. The motion prevailed with 19 ayes, 8 nays and 22 not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Voting in the affirmative, 22:

Barnett	F. Carstens	Dickinson	Epke	Johnson
Kelly	Kennedy	Kremer	Luedtke	Maresh
Marsh	Moylan	Murphy	Proud	Richendifer
Simpson	Snyder	Stromer	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 22:

Anderson	Carpenter	Cavanaugh	Chambers	Clark
DeCamp	Duis	Fellman	Fowler	Goodrich
Keyes	Kime	F. Lewis	R. Lewis	Mahoney
Marvel	Nore	Savage	Schmit	Skarda
Stull	Waldron			

Not voting, 5:

Burbach C. Carsten Hasebroock Rasmussen Stahmer

The Snyder amendment lost with 22 ayes, 22 nays and 5 not voting.

Mr. Barnett re-offered his amendment found in the Journal on page 1406 for the Fifty-third Day. The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Skarda moved to indefinitely postpone.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 20:

C. Carsten	Clark	DeCamp	Dickinson	Kennedy
Keyes	R. Lewis	Marsh	Moylan	Murphy
Proud	Schmit	Skarda	Stahmer	Stromer
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 20:

Anderson	Barnett	Carpenter	Cavanaugh	Chambers
Duis	Epke	Fellman	Fowler	Goodrich
Luedtke	Mahoney	Maresh	Marvel	Nore
Richendifer	Savage	Simpson	Snyder	Waldron

Not voting, 9:

Burbach	F. Carstens	Hasebroock	Johnson	Kelly
Kime	Kremer	F. Lewis	Rasmussen	

The motion lost with 20 ayes, 20 nays and 9 not voting.

Mr. Snyder moved to advance LB 875 to E & R for Engrossment. The motion lost with 15 ayes, 13 nays and 21 not voting.

MESSAGE FROM THE GOVERNOR

March 29, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 499 and 499A.

These bills were signed by me on March 29, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

EXPLANATION OF VOTE

Had I been in the room I would have voted aye on the move to suspend the rules and consider L.B. 1051.

(Signed) Richard Lewis

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 877 and 897.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 877 and 897.

RESOLUTIONS

LEGISLATIVE RESOLUTION 142.

Introduced by Johnson, 15th District.

WHEREAS, annual sessions of the Legislature have produced unanticipated workloads; and

WHEREAS, the large number of bills introduced each session frequently require more time and study than may be given such bill during each session; and

WHEREAS, procedures should be implemented to alleviate some of the pressures and inefficiencies inherent in the administration of annual sessions; and

WHEREAS, there is a need to investigate and conduct studies to provide specific ideas and concepts regarding annual legislative sessions; and

WHEREAS, it has now become apparent and advisable that the Legislature review and consider the rules that govern its body in order to expedite legislative matters most efficiently.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That an interim study be conducted to determine what actions might be taken to increase the efficiency of the legislative process during annual sessions.

2. That the Executive Board of the Legislative Council appoint a committee to gather data relative to the problems of annual sessions and report its findings and recommendations to the Legislature at the conclusion of its study.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 143.

Introduced by Luedtke, 28th District.

WHEREAS, there is widespread concern and uncertainty as to the meaning, application, enforcement, and underlying policies and procedures of the Nebraska inheritance tax statutes; and

WHEREAS, there may be situations in which the inheritance tax statutes are unfairly or inconsistently interpreted and applied throughout the state; and

WHEREAS, the inheritance tax statutes and the manner in which they are interpreted should be periodically reviewed, examined, and studied to insure that such statutes are not detrimental to the best interests of the citizens of the State of Nebraska.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee conduct an interim study of all aspects of Nebraska inheritance taxation, including estate taxation and federal estate tax apportionment.

2. That the committee at the conclusion of its study make a report of its findings, together with any recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 144.

Introduced by Luedtke, 28th District.

WHEREAS, the Supreme Court Committee on Practice and Procedure has undertaken a study to modernize and simplify Nebraska's rules of evidence; and

WHEREAS, the initial draft of the proposed Nebraska Rules of Evidence has been completed; and

WHEREAS, Nebraska's existing rules of evidence have been carefully reviewed, analyzed, researched, and discussed by the committee; and

WHEREAS, the results of numerous studies are available and indicate it would be advisable for the Legislature to review and consider these rules.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That the cooperation and advice of the Nebraska Supreme Court Committee on Practice and Procedure be sought and utilized by the Judiciary Committee to determine what legislation should be considered by this body in order to achieve greater efficiency and uniformity of the Nebraska Rules of Evidence.

2. That the Judiciary Committee in cooperation with the Supreme Court Committee on Practice and Procedure undertake an interim study and at the conclusion of such study submit a report of its findings, together with any recommendations to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 145.

Introduced by Committee on Public Health and Welfare: Kennedy, 21st District, Chairman; F. Lewis, 45th District; Cavanaugh, 9th District; Maresh, 32nd District; R. Lewis, 38th District; Goodrich, 20th District; Schmit, 23rd District.

WHEREAS, it is the public policy of the State of Nebraska that a pattern of facilities, programs, and services should be available to meet the needs of each mentally retarded person; and

WHEREAS, in the past few years there has been an increased emphasis placed on initiating programs for mentally retarded persons; and

WHEREAS, the Legislature has recently created six mental retardation regions in the state; and

WHEREAS, the complexities of mental retardation require coordination of facilities, programs, and services and an understanding of the care, treatment, custody, and diagnosis of the mentally retarded; and

WHEREAS, it is desirable to be cognizant of the services and programs offered in the state in order to eliminate unnecessary duplication and disparity of such programs and services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Legislative Committee conduct an interim study:

(a) To evaluate the current practices of the several mental retardation regions;

(b) To compare programs offered in other related facilities with those offered by the mental retardation region; and

(c) To consider the prevailing mental illness treatment procedures and the need to coordinate the mental retardation programs.

2. That such committee at the conclusion of its study determine if there is a need for additional or revised regulatory legislation and make a report of its findings, conclusions, and recommendations to the Legislature.

Referred to the Executive Board.

RECESS

At 12:03 p.m., on a motion by Mr. C. Carsten, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Proud presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach and Rasmussen who were excused and Mr. Chambers who was absent until 2:00 p.m.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 1, 1974, at 1:30 p.m., were the following: LB 877 and LB 897.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 1054. E & R amendments found in the Journal on page 1398 for the Fifty-third Day were adopted.

Standing Committee amendments 1 through 13 found in the Journal on page 1363 were adopted with 26 ayes, 0 nays and 23 not voting.

The Marvel amendments found in the Journal on the bottom of page 1391 and top of page 1392 were adopted with 26 ayes, 0 nays and 23 not voting.

The Marvel amendments found in the Journal on the bottom of page 1392 and top of page 1393 were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Carpenter asked unanimous consent to withdraw his amendment (8) found in the Journal on page 1319 for the Fiftieth Day and substitute the following. No objections. So ordered.

Amendment to LB 1054

1) On page 73, after line 17, insert the following:

“The Director and Administrator shall develop, with the assistance of user agencies, a state plan for computerization which shall include such components as will effectively meet the needs of state agencies,

boards, and commissions. Such plan shall be filed, along with the budget request, by the administrator. The plan shall be renewed annually and include, but not be limited to, the following components:

- (a) Application and scope of computer net work system;
- (b) Definition of standards and common data elements;
- (c) Program continuation requirements;
- (d) Workload expansion requirements;
- (e) New program requirements;
- (f) Scope of services provided centrally; and
- (g) Scope of services provided remotely or through additional computer locations.

The Director and Administrator shall review and approve all proposals for equipment and system modifications, whether purchased, leased, or rented, for all state agencies, boards, and commissions, to insure that such proposals are within the scope of the state plan for electronic data processing.

The Administrator shall maintain a current inventory of all data processing equipment and system applications, along with indicators of utilization.

2) On page 31, after line 12, insert the following:

"The Board of Trustees of the Nebraska State Colleges shall not purchase, lease, or rent any data processing equipment until it shall be determined, with the assistance of the data processing administrator, that such purchase, lease, or rental is in compliance with the state plan for computerization."

3) On page 71, after line 17, insert the following:

"The Board of Regents of the University of Nebraska shall not purchase, lease, or rent any data, processing equipment until it shall be determined, with the assistance of the data processing administrator, that such purchase, lease, or rental is in compliance with the state plan for computerization."

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

The Carpenter amendment (9) found in the Journal on page 1320 for the Fiftieth Day was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Carpenter asked unanimous consent to withdraw his amendment (10) found in the Journal on page 1322 for the Fiftieth Day. No objections. So ordered.

Mr. Kennedy asked unanimous consent to withdraw his amendment (11) found in the Journal on page 1322 for the Fiftieth Day. No objections. So ordered.

Mr. Barnett renewed his amendment (12) found in the Journal on page 1322 for the Fiftieth Day.

Mr. Barnett moved for a Call of the House. The motion prevailed with 15 ayes, 6 nays and 28 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 26 ayes, 1 nay and 22 not voting.

The Barnett amendment (12) was adopted with 25 ayes, 8 nays and 16 not voting.

Mr. Anderson renewed his amendment (13) found in the Journal on page 1323 for the Fiftieth Day.

Mr. Kelly moved for a Call of the House. The motion lost with 13 ayes, 15 nays and 21 not voting.

The Anderson amendment (13) lost with 13 ayes, 13 nays and 23 not voting.

Mr. Burbach asked unanimous consent to withdraw his amendment (14) found in the Journal on page 1323 and offered the following as a substitute. No objections. So ordered.

Amendment to LB 1054

- 1) On page 54, after line 24, insert the following:

"Agricultural Engineer (Northeast Station)	18,400
District Entomologist (Northeast Station)	22,500"

On page 55, line 2, strike "9,880,130" and insert "9,921,030"; and on line 6, strike "15,712,988" and insert "15,753,888". Page 56, line 4, strike "37,121,809" and insert "37,162,709"; and on line 8, strike "88,551,205" and insert "88,592,105".

Mr. Murphy moved for a Call of the House. The motion prevailed with 14 ayes, 13 nays and 22 not voting.

Mr. Carpenter moved the Call be raised. The motion prevailed with 29 ayes, 1 nay and 19 not voting.

The Burbach substitute amendment lost with 24 ayes, 12 nays and 13 not voting.

Mr. Luedtke renewed his amendment (15) found in the Journal on page 1323 for the Fiftieth Day.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. Luedtke moved for a Call of the House. The motion prevailed with 16 ayes, 14 nays and 19 not voting.

Mr. Carpenter moved the Call be raised. The motion prevailed with 26 ayes, 1 nay and 22 not voting.

The Luedtke amendment was adopted with 25 ayes, 13 nays and 11 not voting.

The Stahmer amendment (16) found in the Journal on page 1350 for the Fifty-first Day was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Cavanaugh renewed his amendment (17) found in the Journal on page 1350 for the Fifty-first Day.

Mr. Carpenter moved the previous question. The question is "Shall the debate now close?" The motion lost with 22 ayes, 2 nays and 25 not voting.

The Cavanaugh amendment (17) lost with 11 ayes, 20 nays and 18 not voting.

Mr. Carpenter asked unanimous consent to withdraw his amendments (18) and (19) found in the Journal on page 1371 for the Fifty-second Day. No objections. So ordered.

Mr. Savage renewed his amendment (20) found in the Journal on page 1371 for the Fifty-second Day.

Mr. Carpenter offered the following amendment to the Savage amendment:

Amend the Savage amendment (20) by striking "\$700,000" and inserting "\$250,000" total appropriations for 74-75 only. No appropriations after that date.

The Chair ruled the amendment to the amendment would take a majority of those voting.

The Carpenter amendment to the Savage amendment was adopted with 14 ayes, 4 nays and 31 not voting.

Mr. Savage moved for a Call of the House. The motion prevailed with 17 ayes, 3 nays and 29 not voting.

The Call showed 40 members present.

Mr. Savage moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Savage amendment (20) as amended was adopted with 26 ayes, 5 nays and 18 not voting.

Mr. Stromer renewed his amendment (21) found in the Journal on page 1372 for the Fifty-second Day.

Mrs. Marsh offered the following amendment to the Stromer amendment:

Chadron	64,566
Kearney	134,436
Wayne	73,843

The Marsh amendment, to the Stromer amendment, lost with 13 ayes, 14 nays and 22 not voting.

Mr. Carpenter offered the following amendment to the Stromer amendment:

Peru

On page 39, line 12 strike \$349,735 and insert \$419,735; on line 14 strike 678,316 and insert 748,315. On page 40 line 23 strike 1,150,926 and insert 1,220,926, on line 27 strike 1,839,996 and insert 1,909,995.

After the four paragraphs insert:

The fund shall be used for a reduction in the current tuition rate or for increased tuition waivers.

The Carpenter amendment to the Stromer amendment was adopted with 16 ayes, 0 nays and 33 not voting.

Mr. Carpenter moved for a Call of the House. The motion prevailed with 15 ayes, 10 nays and 24 not voting.

Mr. Carpenter moved the Call be raised. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

The Stromer amendment as amended was adopted with 25 ayes, 7 nays and 17 not voting.

Mr. Mahoney re-offered the Anderson amendment (13) found in the Journal on page 1323 for the Fiftieth Day. The amendment was adopted with 25 ayes, 6 nays and 18 not voting.

Mr. Mahoney asked unanimous consent to withdraw his amendment found in the Journal on page 1405 for the Fifty-third Day. No objections. So ordered.

Mr. Mahoney offered the following amendment:

On pg. 62 after Line 25 insert the following:

The University of Nebr shall re-allocate from any fund source available, \$50,000, — new and additional funds for increase tuition remission for the Goodrich Plan.

The Mahoney amendment was adopted with 26 ayes, 1 nay and 22 not voting.

Mr. Stahmer offered the following amendment:

- 1) On page 5, strike lines 22 through 27; on page 6, strike lines 1 through 6.
- 2) On page 9, line 12, strike "4,915,653" and insert "4,699,013"; on line 13, strike "2,530,240" and insert "2,746,880".
- 3) On page 10, line 27, strike "171,845" and insert "196,116"; on page 11, line 3, strike "748,945" and insert "773,216"; on line 5, strike "140,500" and insert "155,500"; on line 8, strike "1,371,630" and insert "1,386,630"; on line 15, strike "303,525" and insert "335,575"; on line 18, strike "1,713,630" and insert "1,745,680"; on line 20, strike "405,600" and insert "496,000"; on line 23, strike "3,500,685" and insert "3,591,085"; on line 25, strike "728,440" and insert "1,000,000"; on page 12, line 1, strike "5,101,290" and insert "5,372,850"; on line 3, strike "2,100,000" and insert "2,533,281"; on line 6, strike "14,160,875" and insert "14,594,156".
- 4) On page 13, line 3, strike "2,321,568" and insert "2,754,849"; on line 4, strike "2,321,568" and insert "2,754,849"; on page 16, line 13, strike "23,807,970" and insert "24,024,611"; on line 14, strike "9,425,016" and insert "9,641,656"; and on line 17, strike "38,472,888" and insert "38,906,169".

The Stahmer amendment was adopted with 26 ayes, 0 nays and 23 not voting.

LB 1054 was advanced to E & R for Engrossment with 29 ayes, 0 nays and 20 not voting.

UNANIMOUS CONSENT—Select File Bills

Mr. Carpenter asked unanimous consent to consider LB 754, LB 754A, LB 785 and LB 1057 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 754. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 754A. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 785. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1057. E & R amendments found in the Journal on page 1399 for the Fifty-third day was adopted.

The Marvel amendment found in the Journal on page 1394 for the Fifty-third Day was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Nore asked unanimous consent to withdraw his amendments found in the Journal on page 1266 for the Forty-eighth Day. No objections. So ordered.

The Chambers amendments found in the Journal on page 1378 for the Fifty-second Day were adopted with 26 ayes, 0 nays and 23 not voting.

The Savage amendment found in the Journal on page 1379 for the Fifty-second Day was adopted with 29 ayes, 0 nays and 20 not voting.

The Kelly amendment found in the Journal on page 1379 for the Fifty-second Day lost with 11 ayes, 12 nays and 26 not voting.

Mr. Cavanaugh offered the following amendment:

Amendment to LB 1057

- 1) On page 11, line 6, strike "3,219,832" and insert "4,719,832"; on page 11, line 11, strike "1,037,188" and insert "2,537,188"; on page 11, line 14 strike "1,037,188" and insert "2,537,188"; on page 11, line 18, strike "3,219,832" and insert "4,719,832".
- 2) On page 14, line 7, strike "10,449,922" and insert "11,949,922"; on page 14, line 12, strike "20,399,302" and insert "21,899,302".

Amendment pending.

MESSAGE FROM THE GOVERNOR

March 29, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 995.

This bill was signed by me on March 29, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

RESOLUTION

LEGISLATIVE RESOLUTION 146.

Introduced by Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; Luedtke, 28th District; Hasebrook, 18th District; F. Lewis, 45th District.

WHEREAS, the Public Employees Retirement Board administers the State Employees Retirement System, the School Employees Retirement System, the Judges Retirement System, the State Patrol Retirement System, and the County Employees Retirement System; and

WHEREAS, members of several systems are making a greater percentage contribution than members of other systems, and receiving unequal benefits; and

WHEREAS, the Legislature recognizes that uniformity among the various retirement systems is desirable.

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Nebraska Retirement Systems Committee of the Legislature conduct an interim study:

(1) To study all five retirement systems administered by the Public Employees Retirement Board in an effort to promote uniformity and equity;

(2) To study all other retirement systems for public employees not administered by the Public Employees Retirement

Board in an effort to promote uniformity and equity to the extent legislatively feasible;

(3) To develop proposed legislation in harmony with the revised principles adopted by the Nebraska Retirement Systems Committee of the Eighty-Third Legislature, First Session, to implement the above studies; and

(4) To study any ancillary subjects relating to the Nebraska Retirement Systems.

Referred to Executive Board.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 754 and 754A.

(Signed) John J. Cavanaugh, Chairman

ADJOURNMENT

At 4:37 p.m., on a motion by Mr. Stull, the Legislature adjourned until 9:00 a.m., Tuesday, April 2, 1974.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FIFTH DAY—APRIL 2, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 2, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Proud presiding.

PRAYER

The Prayer was offered by the Chaplain.

Our loving Father, we are grateful for the privilege of responsibility. Often pressing decisions cause inward frustrations. We know thou hast put us here on earth not for a picnic, but for a pilgrimage. May we all endeavor to live up to our capacities. While asking for Thy guidance, may we not shun hard thought, deep resolves, and high integrity. While recognizing we have feet of clay and can be shattered by frustrations, never let us lose awareness of our supreme worth, for we have been created in Thy spiritual image, and destined to live as Thy children. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Burbach who was excused until 10:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1413, line 40, correct spelling of "difficult".
The Journal for the Fifty-fourth Day was approved as corrected.

MOTION—Suspend Rules

Mr. Carpenter moved to pass over Final Reading bills today, with exception of motions on Final Reading bills. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

UNANIMOUS CONSENT—Unbracket LB 920

Mr. Luedtke asked unanimous consent to unbracket LB 920 on Final Reading. No objections. So ordered.

MOTION—Return LB 920 to Select File

Mr. Luedtke moved to return LB 920 to Select File for the following specific amendment:

New Section 2. Insert Section 1 from LB 921.

New Section 3. Insert Section 3 from LB 921.

New Section 4. Insert Section 4 from LB 921.

New Section 5. Insert Section 5 from LB 921.

New Section 6. Insert Section 2 originally contained in LB 920 and add Section 6 in LB 921.

New Section 7. Insert Section 3 from LB 920.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 920. The Luedtke specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays and 18 not voting.

Advanced to E & R for Re-engrossment with 35 ayes, 0 nays and 14 not voting.

MOTION—Return LB 1028 to Select File

Mr. Waldron moved to return LB 1028 to Select File for the following specific amendment:

1. Add 18 new sections to LB 1028 as contained in original LB 326

The motion prevailed with 25 ayes, 1 nay and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 1028. The Waldron specific amendment found in this day's Journal was adopted with 27 ayes, 1 nay and 21 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 782 to Select File

Mr. Kime moved to return LB 782 to Select File for the following specific amendment:

Strike the enacting clause.

The motion prevailed with 26 ayes, 12 nays and 11 not voting.

SELECT FILE

LEGISLATIVE BILL 782. The Kime specific amendment found in this day's Journal was renewed.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays and 20 not voting.

Mr. Kime moved for a Call of the House. The motion prevailed with 23 ayes, 14 nays and 12 not voting.

Mr. Carpenter moved to raise the Call. The motion prevailed with 23 ayes, 16 nays and 10 not voting.

Mr. Snyder requested a roll call vote.

Voting in the affirmative, 24:

C. Carsten	F. Carstens	Dickinson	Epke	Hasebroock
Johnson	Kennedy	Keyes	Kime	Kremer
R. Lewis	Maresh	Murphy	Nore	Proud
Rasmussen	Schmit	Snyder	Stromer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 20:

Anderson	Barnett	Carpenter	Cavanaugh	Chambers
Clark	DeCamp	Fellman	Fowler	Goodrich
F. Lewis	Luedtke	Mahoney	Marsh	Moylan
Richendifer	Savage	Skarda	Stahmer	Waldron

Not voting, 5:

Burbach	Duis	Kelly	Marvel	Simpson
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The Kime specific amendment lost with 24 ayes, 20 nays and 5 not voting.

Mr. Fellman moved that LB 782 be re-advanced to Final Reading. The motion lost with 19 ayes, 21 nays and 9 not voting.

MOTION—Return LB 782 to General File

Mr. Stahmer moved to return LB 782 to the top of General File.

Mr. Carpenter raised a point of order.

The Chair ruled the motion out of order at this time.

UNANIMOUS CONSENT—Unbracket LB 977 on Final Reading

Mr. Stahmer asked unanimous consent to unbracket LB 977 on Final Reading. No objections. So ordered.

MOTION—Return LB 977 to Select File

Mr. Stahmer moved to return LB 977 to Select File for the specific amendment found in the Journal on page 1376 for the Fifty-second Day. The motion lost with 4 ayes, 19 nays and 26 not voting.

MOTION—Return LB 977 to Select File

Mr. Chambers moved to return LB 977 to Select File for the following specific amendment:

To remove the sales tax from food (other than in eating places) and provide an operative date of Jan. 1, 1975.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 18:

Carpenter	Cavanaugh	Chambers	Clark	Duis
Fellman	Fowler	Goodrich	Kelly	Keyes
F. Lewis	Mahoney	Marvel	Moylan	Richendifer
Savage	Skarda	Stahmer		

Voting in the negative, 27:

Anderson	Barnett	Burbach	C. Carsten	DeCamp
Dickinson	Epke	Johnson	Kennedy	Kime
Kremer	R. Lewis	Luedtke	Maresh	Marsh
Murphy	Nore	Proud	Rasmussen	Simpson
Snyder	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Not voting, 4:

F. Carstens	Hasebroock	Schmit	Waldron
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The motion lost with 18 ayes, 27 nays and 4 not voting.

ANNOUNCEMENT

Speaker Proud asked Mr. Emory Burnett to discuss the E & R situation on bills with the members.

MOTION—Final Adjournment Schedule

Mr. Carpenter offered the following final adjournment schedule:

April 2, 1974	Fifty-Fifth Day	Tuesday
April 3, 1974	Fifty-Sixth Day	Wednesday
April 8, 1974	Fifty-Seventh Day	Monday
April 10, 1974	Fifty-Eighth Day	Wednesday
April 11, 1974	Fifty-Ninth Day	Thursday
April 18, 1974	Sixtieth Day	Thursday

The Chair ruled this motion would take a majority of those voting. The motion prevailed with 26 ayes, 19 nays and 4 not voting.

MOTION—Suspend Rules

Mr. Maresh moved to suspend the rules to consider LB 632 on General File at this time. The motion lost with 5 ayes, 27 nays and 17 not voting.

MOTION—Return LB 1028 to Select File

Mr. Waldron moved to return LB 1028 to Select File for the following specific amendment:

1. On page 5, lines 9 and 10 strike "not to exceed three times the actual damages sustained" and insert "which bears a reasonable relation to the actual damages which have been sustained and which damages are not susceptible of measurement by ordinary pecuniary standards".

2. On page 12, line 22 after "states" insert ", nor shall the provisions of this act extend to or apply to any actions or transactions on the part of any public power and irrigation district, public power district, electric membership association, and cooperatives or municipalities engaged in furnishing electrical service to customers at retail or wholesale; if otherwise permitted by law".

3. On page 13 after line 4 insert:

"Sec. 18. Persons engaged in the production of agricultural products

2 as farmers, planters, ranchmen, dairymen, nut growers, or fruit growers may
3 act together in associations, corporate or otherwise, with or without capi-
4 tal stock, in collectively processing, preparing for market, handling, and
5 marketing in intrastate commerce, such products. Such associations may
6 have marketing agencies in common; and the associations and their members
7 may make the necessary contracts and agreements to effect such purposes.
8 The associations shall be operated for the mutual benefit of the members
9 thereof, as such producers, and conform to one or both of the following re-
10 quirements:

11 (1) That no member of the association is allowed more than one vote be-
12 cause of the amount of stock or membership capital he may own therein; or

13 (2) That the association does not pay dividends on stock or membership
14 capital in excess of eight per cent per annum.

1 Such association shall not deal in the products of nonmembers to an
2 amount greater in value than such as are handled by it for members.

Sec. 19. If the attorney general shall have reason to believe that
2 such association monopolizes or restrains trade to such an extent that the
3 price of any agricultural product is unduly enhanced by reason thereof, he
4 shall serve upon such association a complaint stating his charge in that
5 respect, to which complaint shall be attached, or contained therein, a no-
6 tice of hearing, specifying a day and place not less than thirty days after
7 the service thereof, requiring the association to show cause why an order
8 should not be made directing it to cease and desist from monopolization or
9 restraint of trade.

Sec. 20. All contracts and agreements made in restraint of trade by
2 coconspirators in violation of the provisions of section 3, 4, or 5 of
3 this act shall be void. All contracts and agreements made between a con-
4 spirator and an innocent party in violation of the provisions of section
5 3, 4, or 5 of this act shall be voidable by the innocent party.

Sec. 21. Upon a finding in district court that a conspiracy in re-
2 straint of trade existed in an action brought pursuant to section 3 or 4
3 of this act, that finding shall constitute prima facie evidence of the
4 existence of the conspiracy in subsequent civil actions involving the
5 conspiracy.

Sec. 22. Every president, treasurer, general manager, agent, or other
2 person exercising the powers of such office of any corporation, joint
3 stock company, or other association, who has himself, in its behalf, knowingly
4 violated, united to violate, or consented to the violation of the provi-
5 sions of section 3, 4, or 5 of this act, shall thereafter be personally
6 liable for all debts and obligations of any such corporation, joint stock
7 company, or other association created while such person holds such office
1 or agency which were incurred in the furtherance of that violation.”.

4. On page 13 after line 11 insert:

2 “Sec. 25. That sections 59-201, 59-202, 59-203, 59-204, 59-401,
3 59-402, 49-403, 59-509, 59-601, 59-602, 59-603, 59-604, 59-605, 59-606,
4 59-901, 59-902, 59-903, 59-904, 59-1001, and 59-1002, Reissue Revised
5 Statutes of Nebraska, 1943, are repealed.”.

5. Renumber original sections 18 and 19 as sections 23 and 24
respectively.

The motion prevailed with 25 ayes, 7 nays and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 1028. The Waldron specific amendment found in
this day's Journal was adopted with 28 ayes, 9 nays and 12 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 1054 to Select File

Mr. Carpenter moved to return LB 1054 to Select File for the following
specific amendment:

If any section in this act or any part of any section shall be declared
invalid or unconstitutional, such declaration of invalidity shall not affect
the validity of the remaining portions thereof.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 1054. The Carpenter specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 1054 to Select File

Mr. Stromer moved to return LB 1054 to Select File for the following specific amendment:

1) In the Carpenter amendment to the Stromer amendment, strike "After the four paragraphs insert: The fund shall be used for a reduction in the current tuition rate or for increased tuition waivers," and insert:

"On page 32, after line 22, insert "\$70,307 of general fund money shall be used for a reduction in the current tuition rate or for increased tuition waivers at Chadron State College." On page 36, after line 24, insert "\$147,008 of general fund money shall be used for a reduction in the current tuition rate or for increased tuition waivers at Kearney State College." On page 39, after line 7, insert "\$70,000 of general fund money shall be used for a reduction in the current tuition rate or for increased tuition waivers at Peru State College." On page 42, after line 13, insert "\$73,103 of general fund money shall be used for a reduction in the current tuition rate or for increased tuition waivers at Wayne State College." "

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 1054. The Stromer specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 1054 to Select File

Mr. Mahoney moved to return LB 1054 to Select File for the Burbach specific amendment found in the Journal on page 1432. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 1054. The Mahoney specific amendment referred to in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 933 to Select File

Mr. Chambers moved to return LB 933 to Select File for the following specific amendment:

1. Page 3, Line 13, beginning with "in", strike all language on the page.
2. Page 4, Line 1, strike "designation"

Mr. Fellman moved to bracket LB 933 and LB 932. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The Chambers motion to return LB 933 to Select File is pending.

ATTORNEY GENERAL'S OPINION

Opinion No. 162

April 2, 1974

Dear Senator Kelly:

This letter is in reply to your inquiry which pertains to Legislative Resolution 133 of the 1974 Session of the Nebraska Legislature. That resolution, if adopted, would submit to the electors for approval an amendment to Article VII, section 10, of the Constitution of Nebraska, which amendment in part declares:

"The general government of all state colleges and technical community colleges not vested in the Board of Regents of the University of Nebraska shall be vested, under the direction of the Legislature, in a board of six members to be styled as designated by the Legislature, the board members shall be appointed by the Governor, with the advice and consent of the Legislature, two each for a term of two, four, and six years, and two each biennium thereafter for a term of six years. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein." 1974 Legislative Journal, p. 1265.

You have inquired whether "constitutional boards can be appointed", and the answer is that they may be. The constitution now provides for the appointment of "all persons whose offices are established by the Constitution * * * and whose appointment or election is not otherwise by law or herein provided for * * *." An example of this is the board which governs the state colleges, as provided for in section 13 of Article VII.

You also ask if the "technical community college board was appointed by the Governor, would the local property tax be allowed to support the technical community college areas?" The method of selection of the board would not affect the tax picture, but the Legislature should be aware that

the particular language selected to describe the function of the proposed board could raise a tax question relative to section 1A of Article VIII which provides: "The state shall be prohibited from levying a property tax for state purposes." You will note that the proposed amendment provides that the "general government" of the technical community colleges would be committed to this board. This is the same power and control which our Constitution now gives to the Board of Regents and the board of the state colleges, both of which are assigned the "general government" of the institutions under their control, and those institutions have always been treated as being operated for "state purposes." The use of the term "general government" is much stronger than the language used in section 2 of Article VII which declares that the State Department of Education shall have "general supervision and administration" of the school system of the state. Under that language there never has been any serious question but that the various local school districts could continue to levy a property tax. (See, R-R Realty Co. v. Metropolitan Utilities District, 184 Neb. 237)

It is our conclusion that there is the distinct possibility that adoption of the proposed amendment in its present form might be interpreted by the Legislature itself, or by the Courts, as being an expression by the people that the operation of all state colleges and technical community colleges was henceforth to be considered as being for state purposes and thus within the provisions of section 1A of Article VIII.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:djn

cc: Vincent D. Brown

RESOLUTIONS

LEGISLATIVE RESOLUTION 147.

Introduced by: Cavanaugh, 9th District; Rasmussen, 41st District.

WHEREAS, the Department of Insurance has general supervision, control and regulation of insurance companies, associations and societies, and the business of insurance in Nebraska; and

WHEREAS, the most current available records on file with the Department of Insurance reflect that citizens have paid \$670,301,351.00 in premiums in 1972 for various forms of protection agreements and that the insurance companies have paid, in the same year, \$345,352,753.00 in claims; and

WHEREAS, the regulation of insurance companies is for the protection of the public, to assure that the industry complies with insurance laws and that the insurance industry does not take unfair advantage of the public; and

WHEREAS, the control of business practices and the examination of profits by companies doing business in Nebraska, when such profits are of sufficient volume, together with analysis of claims paid for insurable losses, is of direct economic interest to the citizens of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislature appoint a standing committee of the Legislature to conduct an interim study of business practices of all insurance companies doing business in Nebraska and of all current laws, regulations and agency policies.

2. That emphasis be placed upon an examination to determine if a suitable complaint process exists within the Department of Insurance to guarantee the public of thorough and fair investigations and administrative adjudication of all matters brought to their attention by aggrieved parties, free from the influence of adverse parties to the complaint.

3. That the committee make its report and recommendation to the next session of the Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 875. Mr. Skarda moved to indefinitely postpone. The motion lost with 13 ayes, 13 nays and 23 not voting.

Laid over.

LEGISLATIVE BILL 1057. Mr. Cavanaugh renewed his pending amendment found in the Journal on page 1436 for the Fifty-fourth Day.

Mr. Mahoney offered the following amendment to the Cavanaugh amendment:

Reduce this request to \$750,000 instead of \$1,500,000. - for 74/75 and \$750,000 for 75/76

The Mahoney amendment was integrated in the Cavanaugh amendment with the consent of Mr. Cavanaugh.

Amendment pending.

VISITORS

Speaker Proud introduced Mr. and Mrs. Amador Abril from Madrid, Spain, parents of Mrs. Aurora McIntosh from Sarpy County; Lynn Garey from Hastings; Celina Christiani, American Field Service student from Brazil; 24 Eighth Grade students, teacher, sponsor and bus driver from Loomis

School, Loomis, Nebraska; 31 Sixth Grade students and teacher from Friend, Nebraska.

RECESS

At 11:57 a.m., on a motion by Mr. Syas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Proud presiding.

ROLL CALL

The roll was called and all members were present except Mr. Chambers who was absent until 1:50 p.m.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 785.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS

Committee on Committees

April 2, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggest a record vote:

David O. Coolidge

Board of Public Roads Classifications and Standards

Senator Herbert J. Duis appeared in support of Mr. Collidge and no one appeared in opposition.

Committee Vote: For: (10) Senators Chambers, Duis, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Barnett, Epke, and Stromer.

Marvin Athey
Board of Public Roads Classifications and Standards

No one appeared either in favor or opposition to this appointee.

Committee Vote: For: (10) Senators Chambers, Duis, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Barnett, Epke and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman

April 2, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Charles Davey
Advisory Committee to the Department of Economic Development

No one appeared either for or against this appointee.

Committee Vote: For: (10) Senators Chambers, Duis, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Barnett, Epke and Stromer.

William R. Hunter - Environmental Control Council

No one appeared either for or against this appointee.

Committee Vote: For: (10) Senators Chambers, Duis, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Barnett, Epke and Stromer.

Respectfully submitted,
(Signed) Ramey C. Whitney, Chairman

April 2, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Dr. Anthony J. Catana - Environmental Control Council

No one appeared either for or against this appointee.

Committee Vote: For: (10) Senators Chambers, Duis, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Barnett, Epke, Stromer.

James H. Walston - Environmental Control Council

No one appeared either for or against this appointee.

Committee Vote: For: (10) Senators Chambers, Duis, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Barnett, Epke and Stromer.

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman

April 2, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Richard A. Veach - Environmental Control Council

No one appeared either in favor or opposition to this appointment.

Committee Vote: For: (10) Senators Chambers, Duis, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Barnett, Epke and Stromer.

Larry E. Donegan - Environmental Control Council

No one appeared either in favor or opposition to this appointment.

Committee Vote: For: (10) Senators Chambers, Duis, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Barnett, Epke and Stromer.

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman

April 2, 1974

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Bob Runice

Advisory Committee to the Department of Economic Development

Senator David H. Stahmer appeared in favor of Mr. Runice and no one appeared in opposition.

Committee Vote: For: (10) Senators Chambers, Duis, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Barnett, Epke and Stromer.

Eugene M. O'Neill - Environmental Control Council

No one appeared either in favor or opposition to this appointee.

Committee Vote: For: (10) Senators Chambers, Duis, Johnson, Luedtke, Nore, Snyder, Stahmer, Stull, Whitney and Wiltse. Against: None. Absent and not voting: (3) Senators Barnett, Epke and Stromer.

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman

April 2, 1974

The Committee on Committees desires to report favorably upon the appointment listed below which were submitted by Governor J. James Exon. The Committee suggests the appointment be confirmed by the Legislative Body and suggests a record vote:

Donald W. Droud - Motor Vehicle Industry Licensing Board

No one appeared for or against Mr. Droud at the public hearing. At a later meeting, Mr. John Sullivan, Director, Department of Motor Vehicles, appeared in favor of Mr. Droud.

Committee Vote: For: (8) Senator Chambers, Duis, Johnson, Nore, Stahmer, Stull, Whitney and Wiltse. Against: (1) Senator Snyder. Present and not voting (1) Senator Luedtke. Absent and not voting: (3) Senators Barnett, Epke and Stromer.

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman

SELECT FILE

LEGISLATIVE BILL 1057. Mr. Cavanaugh renewed his amendment, as amended, referred to in this day's Journal.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays and 21 not voting.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 19 ayes, 18 nays and 12 not voting.

The Call showed 44 members present.

Mr. Clark moved the Call be raised. The motion prevailed with 20 ayes, 19 nays and 10 not voting.

Mr. Cavanaugh requested a record vote.

Mr. Syas requested a roll call vote.

Voting in the affirmative, 23:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Epke	Fowler	Goodrich	Hasebroock
Johnson	Keyes	F. Lewis	Mahoney	Moylan
Savage	Schmit	Skarda	Snyder	Stahmer
Stull	Syas	Waldron		

Voting in the negative, 17:

F. Carstens	Clark	DeCamp	Kelly	Kennedy
Kime	R. Lewis	Luedtke	Marsh	Marvel
Murphy	Nore	Rasmussen	Stromer	Warner
Whitney	Wiltse			

Not voting, 9:

Chambers	Dickinson	Duis	Fellman	Kremer
Maresh	Proud	Richendifer	Simpson	

The Cavanaugh amendment, as amended, lost with 23 ayes, 17 nays and 9 not voting.

Mr. Marvel offered the following amendments:

Amendment to LB 1057

1) On page 3, line 22, strike "1,368,532" and insert "1,390, 307"; on page 3, line 24 strike "801,393" and insert "805,120"; on page 3, line 25 strike "80,600" and insert "78,350"; on page 4, line 3 strike "1,448,227" and insert "1,471,479"; on page 4, line 6 strike "1,448,227" and insert

- "1,471,479"; on page 4, line 10 strike "2,298,848" and insert "2,322,100".
- 2) On page 5, line 23, strike "607,311" and insert "635,903"; on page 5, line 25 strike "986,276" and insert "984,026"; on page 5, line 26 strike "607,204" and insert "626,079"; on page 6, line 5 strike "1,340,502" and insert "1,385,719"; on page 6, line 8 strike "1,340,502" and insert "1,385,719"; on page 6, line 12 strike "2,266,073" and insert "2,311,290".
- 3) On page 7, line 11 strike "3,064,021" and insert "3,082,092"; on page 7, line 13 strike "1,522,883" and insert "1,557,313"; on page 7, line 18 strike "2,479,695" and insert "2,532,196"; on page 7, line 21 strike "2,479,695" and insert "2,532,196"; on page 7, line 26 strike "4,792,243" and insert "4,844,744".
- 4) On page 8, line 17 strike "2,610,200" and insert "2,637,445"; on page 8, line 22 strike "1,489,152" and insert "1,516,397"; on page 8, line 25 strike "1,489,152" and insert "1,516,397"; on page 9, line 2 strike "2,610,200" and insert "2,637,445".
- 5) On page 10, line 6 strike "2,130,852" and insert "2,128,602"; on page 10, line 7 strike "571,672" and insert "595,382"; on page 10, line 8 strike "2,030,954" and insert "2,028,704"; on page 10, line 13 strike "2,337,787" and insert "2,356,997"; on page 10, line 16 strike "2,337,787" and insert "2,356,997"; on page 10, line 21 strike "4,822,935" and insert "4,842,145".
- 6) On page 11, line 6 strike "3,219,832" and insert "3,217,582"; on page 11, line 11 strike "1,037,188" and insert "1,034,938"; on page 11, line 14 strike "1,037,188" and insert "1,034,938"; on page 11, line 18 strike "3,219,832" and insert "3,217,582".
- 7) On page 14, line 7 strike "10,449,922" and insert "10,615,097"; on page 14, line 12 strike "20,399,302" and insert "20,564,447".

Mr. Stahmer offered the following amendment to the Marvel amendments:

To allow \$250,000 to the Voc-Tech Schools on a population basis within the various areas.

The Stahmer amendment to the Marvel amendment was adopted with 23 ayes, 13 nays and 13 not voting.

The Marvel amendments, as amended, were adopted with 27 ayes, 10 nays and 12 not voting.

Mr. Keyes offered the following amendment:

1) On page 11, strike the following language: "This plan shall be developed in cooperation with the University of Nebraska at Omaha to insure the most efficient and effective delivery of quality educational services to this area." And insert the following: "The Metropolitan Technical Community College Area shall consist of three campuses; one to be developed and located in Sarpy County; one to be developed and located in the greater Omaha metropolitan area; and one to be developed to serve the rural community located in one of the following counties: Washington, Douglas, or Dodge."

The amendment lost with 15 ayes, 15 nays and 19 not voting.

Mr. Carpenter offered the following amendment:

1) On page 13, after line 2, insert the following:

"The State Board of Technical Community Colleges and any area board shall not purchase, lease, or rent any data processing equipment until it shall be determined, with the assistance of the data processing administrator, that such purchase, lease, or rental is in compliance with the state plan for computerization."

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Marvel offered the following amendment:

If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

LB 1057 was advanced to E & R for Engrossment with 31 ayes, 2 nays and 16 not voting.

LEGISLATIVE BILL 1059. E & R amendment found in the Journal on page 1400 for the Fifty-third Day was adopted.

Mr. Goodrich renewed his amendment found in the Journal on page 1379 for the Fifty-second Day.

The amendment lost with 14 ayes, 17 nays and 18 not voting.

Mr. Marvel renewed his amendment found in the Journal on page 1394 for the Fifty-third Day. The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Stahmer offered the following amendment:

AMENDMENTS TO LB 1059

(1) Insert a new section 2 to read as follows:

"Sec. 2. That section 23, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

Sec. 23. Department of Public Institutions
— — Agency No. 25

	Fund Distribution in Dollars			Total Appropriation By Program
	General (G) Fund	Cash (C) Fund	Federal (F) Fund Estimated	
(1) Program No. 033 -- Department Central Office	824,160			824,160
(2) Program No. 365 -- Mental Health	13,599,635	3,182,146	917,552	17,699,333
(3) Program No. 376 -- Corrections	6,868,949	469,266	529,828	7,868,043
Revolving Fund expenditures for this program are estimated at \$2,042,433.	~~5,820,015~~			~~10,131,520~~
(4) Program No. 425 -- Mental Retardation	<u>6,000,015</u>	2,034,080	2,277,425	<u>10,311,520</u>
<u>There is included in the General Fund amount shown, \$701,675 to be distributed to the Region VI Office of Mental Retardation (ENCOR).</u>				
(5) Program No. 535 -- Miscellaneous Health Care	1,198,028	2,285,398	1,067,817	4,551,243
Revolving Fund expenditures for this program are estimated at \$405,142.				
The unexpended Cash Fund balances existing on June 30, 1973, for the programs in subsections (1) to (5) of this section are hereby reappropriated.				
For Informational Purposes only:				
Total Appropriations to Agency No. 25 and Fund Source	~~28,310,787~~			~~41,074,299~~
	<u>28,490,787</u>	7,970,890	4,792,622	<u>41,254,299</u>

(2) Renumber original sections (2) through (11) as sections (3) to (18) respectively.

Mr. Stahmer moved for a Call of the House. The motion prevailed with 16 ayes, 4 nays and 29 not voting.

Mr. Johnson moved the Call be raised. The motion prevailed with 23 ayes, 1 nay and 25 not voting.

The Stahmer amendment was adopted with 30 ayes, 6 nays and 13 not voting.

Mr. Keyes offered the following amendment:

1. On page 23 after line 3, following the term Administrative Service insert new matter:

All University of Nebraska faculty members who receive in addition to a state salary the sum of \$10,000 or more in any single year in professional and/or consulting fees shall file a report, commencing January 1, 1975, which report shall state,

(1) The total amount of professional or consulting fees received in the previous year,

(2) the source of payment and

(3) the number of hours for which payment was received.

The report shall be filed within ten days of the first day of January in 1975 and each year on the same date thereafter with the Director of Administrative Services, who shall, in turn prepare a summary of all such reports and submit same to the Budget Committee of the Legislature

Any person who shall fail to file the report shall have his personal services warrant withheld by the State Treasurer until the filing is completed in conformity with this act.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 10 nays and 12 not voting.

Mr. Carpenter requested a record vote on the Keyes amendment:

Voting in the affirmative, 26:

Anderson	Burbach	Carpenter	F. Carstens	Cavanaugh
Clark	Dickinson	Goodrich	Hasebroock	Kelly
Kennedy	Keyes	Kime	Kremer	R. Lewis
Mahoney	Maresh	Moylan	Murphy	Rasmussen
Richendifer	Savage	Skarda	Stull	Syas
Wiltse				

Voting in the negative, 12:

Barnett	Epke	Fowler	Johnson	Luedtke
Marsh	Nore	Snyder	Stahmer	Waldron
Warner	Whitney			

Not voting, 11:

C. Carsten	Chambers	DeCamp	Duis	Fellman
F. Lewis	Marvel	Proud	Schmit	Simpson
Stromer				

The Keyes amendment was adopted with 26 ayes, 12 nays and 11 not voting.

Mr. Marvel offered the following amendment:

If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

LB 1059 was advanced to E & R for Engrossment with 27 ayes, 1 nay and 21 not voting.

UNANIMOUS CONSENT—Print Amendment to LB 920 in Journal

Mr. Burbach asked unanimous consent to print the following proposed amendment to LB 920 in the Journal. No objections. So ordered.

Amendment to LB 920

1. On page 3, insert a new section 2 to read as follows:

"Sec. 2. In the event that the Congress of the United States amends the Emergency Highway Energy Conservation Act to change the maximum speed limit required for compliance with the act, the speed limit shall be altered to comply with the amendment to such act as follows:

(1) Pursuant to subdivisions (1) (e), (2) (e), and (4) (d) of section 39-666 the maximum speed limit shall be sixty miles per hour or such speed as congress requires for compliance with such act, whichever is the lesser;

(2) Pursuant to subdivision (2) (d) of section 39-662 and subdivisions (1) (c), (1) (d), (2) (c), (2) (d), and (4) (c) of section 39-666 the maximum speed limit shall be sixty-five miles per hour or such speed as congress requires for compliance with such act, whichever is the lesser; and

(3) Pursuant to subdivision (2) (c) of section 39-662 the maximum speed limit shall be seventy-five miles per hour or such speed as congress requires for compliance with such act, whichever is the lesser."

2. Renumber original sections 2 and 3 as sections 3 and 4 respectively

RESOLUTIONS

LEGISLATIVE RESOLUTION 148.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Kennedy, 21st District; Dickinson, 31st District; Maresh, 32nd District; Kime, 43rd District; Epke, 24th District; C. Carstens, 2nd District.

WHEREAS, Congress is still considering various legislative proposals in order to establish national land-use legislation; and

WHEREAS, the air, land, and water of Nebraska are the principal assets of the state and guarantee to the state a sound economy and an agricultural base; and

WHEREAS, the Committee on Agriculture and Environment has studied land-use legislation in previous interim study sessions and has become intimately acquainted with the problems associated with the development of legislation governing this problem; and

WHEREAS, additional study is necessary to evaluate the long-term impact and the development of legislation which is in the best interests of the land owners and industry of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Committee on Agriculture and Environment continue to conduct hearings and studies in the interim to determine the best and most practical method of approaching land-use legislation to insure the development of a state plan which is in the best economic interests of this state.

2. That the committee at the conclusion of its study make a report to the Legislature with its recommendations.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 149.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Epke, 24th District, Kennedy, 21st District; Dickinson, 31st District; Maresh, 32nd District; Kime, 43rd District; C. Carstens, 2nd District.

WHEREAS, agriculture is the principal economic operation in Nebraska, and as such, is the basis of the economic growth and development of this state; and

WHEREAS, moderate changes affecting other industries will always have a direct economic effect upon agriculture; and

WHEREAS, the Committee on Agriculture and Environment is best suited and staffed to hold necessary hearings or to conduct such investigations as may be necessary to effectuate the interests of the citizens to protect the economic status of agriculture in this state; and

WHEREAS, the committee through study and investigation has accomplished much in this area, much work remains on file and to be done.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislature order the continuation of such studies and investigations by the Committee on Agriculture and Environment as may be necessary to effectuate the interest of the agricultural economy of this state.

2. That the committee report its findings and recommendations to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 150.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman, Epke, 24th District; Kennedy, 21st District; Dickinson, 31st District; Maresh, 32nd District, Kime, 43rd District, C. Carsten, 2nd District.

WHEREAS, agriculture represents the principal economic base of Nebraska, and as such, is the stimulus to economic growth and development within this state; and

WHEREAS, economic effect upon other industries by shortages of production material and energy sources have a direct effect upon many phases of agricultural production and the related agri-business operations carried on in this state; and

WHEREAS, the implementation of federal price fixing programs on agricultural products by federal act and executive order has had a serious economic impact upon agriculture resulting in losses which run into the millions of dollars; and

WHEREAS, these losses will never be recovered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislature direct the Committee on Agriculture and Environment to conduct interim studies and investigations to assess the economic impact which implementation of price controls on agriculture products has had upon the economy of Nebraska and the existing inequity of price spread between the price paid to the producer of agricultural products and the cost to the consumer of said products.

2. That the committee report its findings and recommendations to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 151.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District; Kennedy, 21st District; Dickinson, 31st District; Maresh, 32nd

District; Kime, 43rd District; Epke, 24th District; C. Carstens, 2nd District.

WHEREAS, Nebraska, among other states, is the trustee of certain lands commonly known as school lands, some of which have been sold, but most of which are administered by the Board of Educational Lands and Funds, as trustee for the citizens of Nebraska, under lease agreements, the income from which is deposited for use by the common schools of Nebraska; and

WHEREAS, considerable confusion relating to the proper use of such lands, the terms of lease agreements, the ownership of improvements thereon, and the advisability of capital improvements to increase lease payments, among other problems, has resulted in numerous legislative bills, constitutional revision proposals, and litigation in the courts; and

WHEREAS, there is a need to conduct a comprehensive study, soliciting citizen participation, to determine the most productive use and consider long-term programs affecting the use of such lands, consistent with constitutional limitations and restrictions governing the use of school lands.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council assign to the Committee on Agriculture and Environment the responsibility to conduct public hearings in the interim to study school land laws, regulations, uses, policies, and lease agreements to determine the most productive use to which such school land may be utilized in the public interest consistent with constitutional limitations and restrictions.

2. That the Committee on Agriculture and Environment determine what legislation should be considered by this body in order to achieve greater efficiency in the administration of such school lands and correct any inequities that may exist relating to the use of such lands.

3. That the committee at the conclusion of its study report to the Legislature together with any proposed legislation.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 1055. E & R amendments found in the Journal on page 1399 for the Fifty-third Day were adopted.

Mr. Luedtke asked unanimous consent to withdraw his amendment (1) found in the Journal on page 1377 for the Fifty-second Day and substitute the following amendment. No objections. So ordered.

1) On page 16, strike the original section 27 and insert the following:

"The Department of Correctional Services is hereby directed to implement the state correctional plan as submitted to the Eighty-third Legislature, First Session, by the Nebraska Law Enforcement and Criminal Justice Advisory Committee. The Department is authorized to begin planning, designing, and preparing working drawings for a medium-minimum security facility. Such facility should be modular in design concept having a minimum occupancy of 250 persons. Concurrent with the implementation of the state correctional plan, the Department shall begin an evaluation and critical review of programs, facilities, and services offered to offenders in city, county, and regional jails or other detention facilities operated by governmental subdivisions. The findings of the Department concerning governmental subdivision programs and facilities shall be used in the planning, programming, and designing of the medium-minimum security facility.

The implementation of the state correctional plan and the program statement for the medium-minimum facility shall include the following elements:

1) Evaluation of the programs offered in state correctional facilities to establish the effectiveness of such programs in assisting an offender's desired reintegration into the community;

2) Identification of standards to be used in determining the effectiveness of programs through followup studies to show whether an offender has been able to accomplish community reintegration and to what degree; and

3) Development of criteria to determine how each program relates to the success or failure of the reintegrating of the individual into the community.

There is hereby appropriated \$100,000 from the Nebraska Capital Construction Fund and \$350,000 from the State Building Fund and such federal funds as available for the fiscal year ending June 30, 1974, to implement the state correction plan, evaluate government subdivision facilities and programs, and plan, design, and prepare working drawings for a medium-minimum security facility."

Mr. Stahmer offered the following amendment to the Luedtke amendment:

Such Med-Min. facility shall be built in Omaha

The Stahmer amendment to the Luedtke amendment was adopted with 19 ayes, 13 nays and 17 not voting.

Mr. Stahmer offered the following amendment to the Luedtke amendment:

To take all monies for planning and/or const. of a med-min. come from General Fund.

Mr. Luedtke moved for a Call of the House. The motion lost with 11 ayes, 15 nays and 23 not voting.

The Stahmer amendment to the Luedtke amendment was adopted with 17 ayes, 11 nays and 21 not voting.

Mr. Luedtke asked unanimous consent to withdraw his amendment, as amended. No objections. So ordered.

Mr. Waldron renewed his amendment found in the Journal on page 1377 for the Fifty-second Day.

Mr. Waldron moved for a Call of the House. The motion lost with 15 ayes, 17 nays and 17 not voting.

The Waldron amendment lost with 19 ayes, 15 nays and 15 not voting.

PRINT AMENDMENTS IN JOURNAL

The Speaker directed the Clerk to print any proposed amendments in the Journal. No objections. So ordered.

(12) Amendment to LB 1055 by Stull

1) Add a new section 23 and renumber original sections:

"The Game and Parks Commission is hereby authorized to construct improvements at Fort Robinson State Park, with a total project cost not to exceed \$200,000. Such amount shall be in addition to any other appropriations for the improvement of facilities at Fort Robinson State Park contained in this or any other act. Any amount which is eligible for federal reimbursement, upon reimbursement, shall be credited to the State General Fund. There is hereby appropriated \$200,000 from the State Building Fund for the fiscal year ending June 30, 1975, to complete the project."

(13) Amendment to LB 1055 by Epke

1) Add a new section as follows:

"The Southeastern Nebraska Technical Community College, Milford Campus is hereby authorized to make fire safety and utility improvements with a total project cost not to exceed \$145,000. There is hereby appropriated \$145,000 from the State Building Fund for the fiscal year ending June 30, 1975, to complete the improvements."

(14) Amendment to LB 1055 by Barnett

Add a new section:

The South Eastern Technical Community College is hereby authorized to construct a Headquarters and a Technician Training Center with a total project cost not to exceed \$3,200,000. Such structure shall not be a duplication of facilities within the district and shall be used in conjunction with rental office or classroom space available.

There is hereby appropriated \$250,000 from the State Building Fund for an option to purchase and development of

a program statement for the Technician Training Center for the fiscal year ending June 30, 1975. There is hereby appropriated \$1,750,000 from the State Building Fund for the land acquisition, physical planning, and initial construction of the Technician Training Center for the fiscal year ending June 30, 1976. There is hereby appropriated \$1,200,000 from the State Building Fund for the completion of the Technician Training Center for the fiscal year ending June 30, 1977.

(15) Amendment to LB 1055 by Cavanaugh

1) Add a new section as follows:

"The Metropolitan Technical Community College is hereby authorized to construct a trade and industrial education center and technical community college campus. There is hereby appropriated \$420,000 from the State Building Fund for options to acquire sites, program planning, and physical planning of a trade and industrial education campus and for a technical community college campus for the fiscal year ending June 30, 1975. There is hereby appropriated \$3,000,000 from the State Building Fund for the land acquisition and initial construction of the campus structures for the fiscal year ending June 30, 1976. There is hereby appropriated \$780,000 from the State Building Fund to continue the campus construction for the fiscal year ending June 30, 1977."

(16) Amendment to LB 1055 by Barnett

To strike all of Senator Stahmer's amendments to Senator Luedtke's amendments thus restoring the Luedtke amendments to their original state.

(17) Amendment to LB 1055 by Marvel

If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

(1) Amendment to LB 1056 by Stahmer

1. On page 2, line 2 strike "to 9" and insert ", 6 to 9".

2. Insert a new section to read:

"Sec. 3. That section 5, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

Sec. 5. The Department of Public Institutions at Beatrice State Home is hereby authorized to construct cottages accommodating ninety-six residents with the necessary streets and utilities with a total project cost not to exceed \$1,018,000. Such cottages and the spaces therein shall be of the geometrical forms most prevalent in the structures the clients will be occupying after their release from the Beatrice State Home. There is hereby appropriated \$663,500 from the State of Nebraska Capital Construction Fund for the fiscal year ending June 30, 1974, for obliga-

tions and expenditures for working drawings and the initial construction phase of the Beatrice State Home cottages, streets, and utilities project. There is hereby appropriated \$354,500 from the State of Nebraska Capital Construction Fund for the fiscal year ending June 30, 1975, for obligations and expenditures to complete the Beatrice State Home cottages, streets, and utilities project. The unexpended balance existing on June 30, 1974 for this project is hereby reappropriated."

3. Renumber sections 4 to 7 as sections 5 to 8.

4. Insert a new section to read:
"Sec. 9. That original section 5, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, is repealed."

5. Renumber original section 8 as section 10.

(2) Amendment to LB 1056 by Marvel

If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Amendment to LB 1058 by Marvel

If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

UNANIMOUS CONSENT—Members Excused

Mr. Richendifer asked unanimous consent to be excused tomorrow. No objections. So ordered.

Mr. Dickinson asked unanimous consent to be excused tomorrow morning until he arrives. No objections. So ordered.

ADJOURNMENT

At 4:03 p.m., on a motion by Mr. F. Carstens, the Legislature adjourned until 9:00 a.m., Wednesday, April 3, 1974.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SIXTH DAY—APRIL 3, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 3, 1974

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Proud presiding.

PRAYER

The Prayer was offered by the Chaplain.

O God, our Father, who art the author of all liberty and freedom, to Thee we pray. Guide and bless the members of this legislature, as they represent the people of this State in committee room, in this chamber, in their voting record, and in their personal lives. Give them sustaining strength of mind, body and spirit to stand the persistent strains of their high office. Give them intolerance against all evils which would weaken our State, but great tolerance in hearing the evidence before making a decision. In using their sensitive minds to be rational, may they also keep alive that spark of heavenly fire called intuition which can guide us to a better society for all. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Richendifer who was excused and Stromer who was absent.

CORRECTIONS FOR THE JOURNAL

Page 1449, line 24, correct spelling of "Coolidge".

Page 1455, line 2, correct spelling of "Carpenter".

The Journal for the Fifty-fifth Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Savage asked unanimous consent to be excused at 11:00 a.m. this morning. No objections. So ordered.

MOTION—Adjournment Plan

Mr. Carpenter moved to amend the adjournment plan as follows:

Fifty-seventh Day	Monday	April 8, 1974
Fifty-eighth Day	Tuesday	April 9, 1974
Fifty-ninth Day	Wednesday	April 10, 1974
Sixtieth Day	Thursday	April 11, 1974

Mr. Carpenter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays and 18 not voting.

The Carpenter motion prevailed with 26 ayes, 10 nays and 13 not voting.

MOTION—Suspend Rules

Mr. DeCamp moved to suspend the rules to return to General File and immediately begin handling bills underlined which have not been yet voted on on General File and that we allow a maximum of 10 minutes per bill after which time a vote will be taken on the bill and if the bill fails to advance it shall be returned to the bottom of General File.

The motion prevailed with 31 ayes, 14 nays and 4 not voting.

UNANIMOUS CONSENT—Unbracket LB 875A

Mr. Syas asked unanimous consent to unbracket LB 875A on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 875A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

RULING OF CHAIR

The Chair ruled that any bill underlined on General File that has been previously voted on would go to the bottom of General File.

Mr. Goodrich appealed the decision of the Chair. The question is, "Shall the Chair be overruled." The motion lost with 8 ayes, 27 nays and 14 not voting.

REQUEST ON GENERAL FILE BILLS

Mr. Carpenter requested to read all bills on General File today in full.

Mr. Barnett moved to suspend the rules on reading the bills in full and read only the titles.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Carpenter requested a record vote on the Barnett motion.

Voting in the affirmative, 33:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
Clark	DeCamp	Dickinson	Epke	Fowler
Johnson	Kennedy	Keyes	Kremer	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Murphy
Nore	Rasmussen	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stull	Syas
Waldron	Warner	Whitney		

Voting in the negative, 9:

Carpenter	F. Carstens	Goodrich	Hasebroock	Kime
Mahoney	Marvel	Proud	Wiltse	

Not voting, 7:

Chambers	Duis	Fellman	Kelly	Moylan
Richendifer	Stromer			

The Barnett motion prevailed with 33 ayes, 9 nays and 7 not voting.

GENERAL FILE

LEGISLATIVE BILL 934. Title read. Considered.

Standing Committee amendment found in the Journal on page 599 for the Twenty-seventh Day was adopted with 32 ayes, 1 nay and 16 not voting.

Advanced to E & R for Review with 31 ayes, 1 nay and 17 not voting.

LEGISLATIVE BILL 935. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 1 nay and 14 not voting.

LEGISLATIVE BILL 825. Title read. Considered.

Mr. Simpson offered the following amendment:

1. On page 3, line 5, add a new section as follows:

"Sec. 3. Whenever a city proposes to exercise the power herein conferred, the city shall certify that it has afforded adequate opportunity for citizen participation in the development of the annual application and has provided for the meaningful involvement of the residents of areas in which community development activities are to be concentrated in the planning and execution of these activities, including the provision of adequate information and resources."

2. In Sec. 4, page 3, line 22, after "jurisdiction" strike the period and insert:

"; Provided, that in order to coordinate the actions of the local housing authority and the community development agency, the local housing authority shall submit to the city council of such city, prior to the date it submits its annual budget request to the federal government, a complete report of its activities during the past calendar year and a complete description of its proposed actions for the coming calendar year. Such report shall include the number of units added to or removed from the authority's programs, the number of families housed by the authority, the number applying who were not housed and the reasons for their not being housed, the sources and amounts of all funds spent or to be spent and the amounts available for use in its housing programs that have not been used, and the policies of the authority on eligibility, admissions, occupancy, termination of tenancies, and grievance procedures. Such report shall be made available to the public upon its delivery to the city council, and shall be subject to public hearing prior to its formal acceptance by the council."

3. On page 3, line 23, add a new section as follows:

"Sec. 6. Whenever any city shall exercise the jurisdiction and authority granted in this act it shall comply with Chapter 76, article 12, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, regarding the acquisition of property for publicly-financed projects."

4. Renumber original sections 3, 4 and 5 as sections 4, 5, and 7, respectively.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 937. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 982. Title read. Considered.

Mr. Goodrich offered the following amendment:

1. On page 2, line 2 after "Guard" insert ", or any member of the Nebraska State Patrol or any paid member of a police or fire department".

2. On page 2, strike all of line 7 after "member".

3. On page 2, line 8, after "guard" insert "or with the organization employing him".

4. On page 2, line 13 after "Guard" insert "Nebraska State Patrol, or paid member of a police or fire department".

5. On page 2, line 14 after "officer" insert "or chief" and in line 15 strike "guard" and insert "work".

6. On page 2, add new section 3 as follows:

"Sec. 3. When any member of the Nebraska National Guard, Nebraska State Patrol, or any paid member of a police or fire department is killed in line of duty, his children attending or who may attend a school as described in section 1 of this act, shall be entitled to a credit of one hundred per cent of the tuition charges of such school while in attendance."

7. On page 2, add new section 4 as follows:

"Sec. 4. Any tuition permitted by this act shall not exceed four school years and the number of credit hours required for a baccalaureate degree."

The amendment lost with 16 ayes, 18 nays and 15 not voting.

Advanced to E & R for Review with 32 ayes, 1 nay and 16 not voting.

LEGISLATIVE BILL 945. Title read. Considered.

Standing Committee amendments found in the Journal on page 996 for the Fortieth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Dickinson offered the following amendment:

Strike any reference to a specific location in Sec. 1 lines 10-11-12

The amendment was adopted with 25 ayes, 8 nays and 16 not voting.

Advanced to E & R for Review with 26 ayes, 8 nays and 15 not voting.

LEGISLATIVE BILL 678. Title read. Considered.

Mr. Barnett asked unanimous consent to withdraw his amendment found in the Journal on page 1149 for the Forty-fifth Day. No objections. So ordered.

Mr. Barnett offered the following amendment to the Standing Committee amendment:

1. In the Standing Committee amendments on page 1199 of the journal, line 8 after the period insert: "Any ordinance passed by a city under the authority of this section providing for the issuance of bonds for the construction of off-street parking facilities shall be subject to the referendum procedures applicable to such city as provided by state statute or its home rule charter."

The amendment to the Standing Committee amendment was adopted with 27 ayes, 4 nays and 18 not voting.

Standing Committee amendment in the Journal on page 1198 for the Forty-sixth Day was adopted, as amended, with 26 ayes, 0 nays and 23 not voting.

Mr. Chambers moved to indefinitely postpone. The motion lost with 9 ayes, 20 nays and 20 not voting.

Advanced to E & R for Review with 26 ayes, 8 nays and 15 not voting.

LEGISLATIVE BILL 620. Title read. Considered.

Mr. Stull asked unanimous consent to withdraw his pending amendment found in the Journal on page 856 for the Thirty-fifth Day. No objections. So ordered.

Standing Committee amendments referred to in the Journal on page 686 for the Thirty-first Day were adopted with 25 ayes, 3 nays and 21 not voting.

Mr. Barnett moved to advance LB 620 to E & R for Review.

Mr. Barnett moved for a Call of the House. The motion prevailed with 22 ayes, 6 nays and 21 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 26 ayes, 10 nays and 13 not voting.

LEGISLATIVE BILL 817. Title read. Considered.

Standing Committee amendments found in the Journal on page 721 for the Thirty-second Day were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Cavanaugh moved to indefinitely postpone. The motion prevailed with 20 ayes, 14 nays and 15 not voting.

LEGISLATIVE BILL 740. Title read. Considered.

Standing Committee amendments found in the Journal on page 938 for the Thirty-eighth Day were adopted with 25 ayes, 0 nays and 24 not voting.

The Maresh amendments referred to in the Journal on page 1376 for the Fifty-second Day were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 913. Title read. Considered.

Standing Committee amendment found in the Journal on page 784 for the Thirty-third Day was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 1048. Title read. Considered.

The Marsh amendments found in the Journal on page 1271 for the Forty-ninth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 642. Title read. Considered.

Mr. Moylan offered the following amendment:

1. On page 3 reinstate the stricken matter in lines 18 to 23 except "furnished or to be furnished" in line 20.

Mr. Carpenter asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

The Moylan amendment was adopted with 27 ayes, 3 nays and 19 not voting.

Mr. Clark moved to indefinitely postpone. The motion prevailed with 19 ayes, 12 nays and 18 not voting.

LEGISLATIVE BILL 914. Title read. Considered.

Standing Committee amendment found in the Journal on page 822 for the Thirty-fourth Day was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted against the motion to indefinitely postpone LB 642.

(Signed) Richard M. Fellman

RESOLUTIONS**LEGISLATIVE RESOLUTION 152.**

Introduced by Fellman, 4th District.

WHEREAS, the actual collection of child support orders is an important facet of the marriage dissolution laws of the State of Nebraska; and

WHEREAS, a statistical study and an examination of the child support collection systems of other jurisdictions may be helpful to enable the Legislature of the State of Nebraska to adequately evaluate its child support collection methods.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee conduct an interim study of existing child support collection methods, including, but not limited to a study of one or more district courts in Nebraska concerning:

(a) The percentage of court ordered child support that is actually paid as reflected by court records;

(b) The amount of court ordered child support being paid outside the court system;

(c) A profile of both those persons who are and are not paying child support, including the reasons for nonpayment;

(d) An analysis of ADC records; and

(e) An examination of the child support collection systems of other jurisdictions.

(2) That the Judiciary Committee report the results of the study and its recommendations to the Eighty-fourth Legislature, First Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 153.

Introduced by Carpenter, 48th District; Luedtke, 28th District.

WHEREAS, there are many nebulous legal issues concerning the procedures and underlying policies for the collection, enforcement, and administrative and judicial review of Nebraska income and sales tax liabilities; and

WHEREAS, there is a need to review, examine, and study the income and sales tax statutes to insure that income and sales taxes are not collected, enforced, and reviewed in a manner detrimental to the best interests of the citizens of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee conduct an interim study of the Nebraska statutes relating to the procedures for collection, enforcement, and administrative and judicial review of Nebraska income and sales tax liabilities.

2. That the committee at the conclusion of its study make a report of its findings, together with any recommendations, to the Legislature.

Referred to the Executive Board.

RECESS

At 11:58 a.m., on a motion by Mr. Syas, the Legislature recessed until 1:15 p.m.

AFTER RECESS

The Legislature reconvened at 1:20 p.m., Speaker Proud presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Carpenter, Richendifer, Savage and Stromer who were excused.

GENERAL FILE

LEGISLATIVE BILL 1029. Title read. Considered.

Standing Committee amendments found in the Journal on page 865 for the Thirty-sixth Day were adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 969. Title read. Considered.

Mr. Clark offered the following amendment which was adopted with 26 ayes, 0 nays and 23 not voting.

Add Emergency Clause

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 759. Title read. Considered.

Standing Committee amendments found in the Journal on page 891 for the Thirty-sixth Day were rejected.

Mr. Simpson offered the following amendment:

1. Strike original sections 2 to 4 and insert:

"Sec. 2. After the effective date of this act: (1) No new retail or bottle club license shall be issued for any location in a county which has more than one such license for each one thousand population according to the most recent federal census or if the issuance of such license would result in a number of such licenses exceeding such ratio; and (2) in any county in which such ratio is already exceeded, no new retail or bottle club license shall be issued to replace any license which is surrendered, revoked, or otherwise terminated so long as such ratio remains or would be exceeded, but this subdivision shall not prevent: (a) The issuance of a new license to a bona fide purchaser of the business and assets of an existing licensee nor prevent the renewal of any licensee in effect on the effective date of this act; (b) the acquisition of a liquor license, when such license is issued to a person for use in connection with the operation of a hotel or (c) each city or village from having at least one liquor license. The provisions of this section shall not be applicable to any county having three thousand or less inhabitants.

Sec. 3. This act shall become operative on December 1, 1974."

Mr. Whitney offered the following amendment to the Simpson amendment which was adopted.

Strike the word 3 in the last sentence and insert the word 7

The Simpson amendment, as amended was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. DeCamp moved to indefinitely postpone.

Mr. Simpson moved for a Call of the House. The motion prevailed with 18 ayes, 7 nays and 24 not voting.

The Call showed 42 members present.

Mr. Clark moved the Call be raised. The motion prevailed with 26 ayes, 4 nays and 19 not voting.

The DeCamp motion to indefinitely postpone prevailed with 22 ayes, 16 nays and 11 not voting.

LEGISLATIVE BILL 895. Title read. Considered.

Standing Committee amendments found in the Journal on page 892 for the Thirty-sixth Day were adopted with 28 ayes, 3 nays and 18 not voting.

Advanced to E & R for Review with 25 ayes, 4 nays and 20 not voting.

LEGISLATIVE BILL 632. Title read. Considered.

Standing Committee amendment found in the Journal on page 902 for the Thirty-seventh Day was adopted with 30 ayes, 4 nays and 15 not voting.

Advanced to E & R for Review with 29 ayes, 4 nays and 16 not voting.

LEGISLATIVE BILL 691. Title read. Considered.

Standing Committee amendments found in the Journal on page 918 for the Thirty-seventh Day were adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 938. Title read. Considered.

Mr. Marvel offered the following amendment to the Standing Committee amendment:

In committee amendment page 919 of the journal, line 38 before the period insert: “; Provided, that the first two hundred fifty thousand dollars deposited in such fund shall be appropriated to Program 715-Institute of Agriculture and Natural Resources for salary equalization.”.

The amendment was adopted.

The Standing Committee amendment found in the Journal on page 918 for the Thirty-seventh Day was adopted, as amended, with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 906. Title read. Considered.

Mr. Burbach offered the following amendment:

1. On page 6 lines 21 to 24 reinstate the previously stricken material; on line 24 after reinstated “district” insert, “, or rural water district, or natural resource district”.

Mr. Burbach moved for a Call of the House. The motion prevailed with 14 ayes, 5 nays and 30 not voting.

Mr. Burbach moved the Call be raised. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

The Burbach amendment was adopted with 26 ayes, 8 nays and 15 not voting.

Mr. DeCamp moved to indefinitely postpone. The motion prevailed with 17 ayes, 13 nays and 19 not voting.

LEGISLATIVE BILL 845. Title read. Considered.

Standing Committee amendment found in the Journal on page 784 for the Thirty-third Day was adopted with 25 ayes, 0 nays and 24 not voting.

The Fellman amendments referred to on page 881 for the Thirty-sixth Day were adopted with 25 ayes, 1 nay and 23 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 820. Title read. Considered.

Mr. Duis offered an amendment to the Standing Committee amendment which was adopted. (Amendments printed separate from the Journal and on file in the Clerk's office)

Standing Committee amendments referred to in the Journal on page 957 for the Thirty-ninth Day were adopted as amended with 25 ayes, 0 nays and 24 not voting.

Mr. Burbach offered the following amendment:

Amend Section 2 to read as follows:

Section 2. That Section 77-2703(1) Reissue Revised Statutes of Nebraska, 1943, be amended by inserting after the words "section 77-2715.01" the following:

When there is a sale, as defined in subdivision (13) of section 77-2702, after March 26, 1974, the tax shall be imposed at the rate in effect at the time the gross receipts are realized under the accounting basis used by the retailer to maintain his books and records.

Add Section 3 to read as follows:

Section 3. That original section 77-2702 and original section 77-2703(1), Reissue Revised Statutes of Nebraska, 1943, is repealed.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

MESSAGE FROM THE GOVERNOR

April 2, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bills Nos. 877 and 897.

These bills were signed by me on April 2, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

GENERAL FILE

LEGISLATIVE BILL 883. Title read. Considered.

Standing Committee amendments found in the Journal on page 965 for the Thirty-ninth Day lost with 15 ayes, 19 nays and 15 not voting.

Mr. Fellman moved to indefinitely postpone. The motion prevailed with 27 ayes, 7 nays and 15 not voting.

LEGISLATIVE BILL 1032. Title read. Considered.

Mr. Warner moved the adoption of the following Carpenter amendment:

In Section 1 (5) strike the new matter and in lieu thereof, commencing at page 2, line 24, after " market, " insert the following:

"Provided, however, that the charges for such transportation are paid by the owner, manager or employee of such ranch, dairy, farm, or feed lot and such transportation is under their control and direction; otherwise, such transportation shall be subject to the rate jurisdiction of the Public Service Commission;"

The amendment lost with 10 ayes, 19 nays and 20 not voting.

Mr. Warner offered the following amendment:

1. Amend L.B. 1032 at page 5 by inserting a new section 2 to read:

"Sec. 2. That section 75-109, R. R. S., 1943, be amended to read as follows:

75-109. The commission shall have the power to regulate the rates and services of, and to exercise a general control over, all common carriers, which term is hereby defined as all carriers, including contract carriers, engaged in the transportation of freight or passengers for hire, or furnishing communication services for hire in Nebraska intrastate commerce. In exercising such control, it shall be the duty of the commission whenever a common carrier fails to provide service to a shipper for any fourteen consecutive day period of time, to order the common carrier unable to provide services, when requested to do so by the shipper, to provide substituted service by another common carrier. The non-performing common carrier shall pay the performing carrier the charges established by the commission for the performing common carriers' service. Provided, however, that the non-performing common carrier shall make available to the shipper and consignee the same terms and conditions of its tariff provisions and shall charge the shipper or the consignee for the transportation in the same manner as if the non-performing common carrier had actually performed such transportation. The commission may adopt such rules and regulations to implement this provision as may be deemed necessary.

2. Amend L.B. 1032 by inserting a new section 3.

Sec. 3. That section 75-127, R.R.S. 1943, be amended to read as follows:

75-127. Any common carrier, shipper or consignee willfully violating one or more of the provisions of ~~section sections 75-109~~ or 75-126 shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not less than one thousand dollars nor more than five thousand dollars for each offense. Any officer, agent, or employee who for or on behalf of any common carrier, shipper or consignee shall willfully violate one or more of the provisions of ~~section sections 75-109~~ or 75-126 shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars for the first offense, and not less than one hundred dollars nor more than one thousand dollars for any subsequent offense, or shall be imprisoned in the county jail of the county wherein conviction was had, for not less than ten days nor more than six months, or both, within the discretion of the court. Each day of such violation shall constitute a separate offense.

3. Re-number original sections 2 and 3 as " 4 and 5" and to amend new section 4 as follows:

Sec. 4. That original sections 75-109, and 75-127, R.R.S. 1943 and 75-303, Revised Statutes Supplement 1973, are repealed.

The amendment lost with 19 ayes, 12 nays and 18 not voting.

Mr. Kremer moved to indefinitely postpone. The motion prevailed with 24 ayes, 9 nays and 16 not voting.

LEGISLATIVE BILL 731. Title read. Considered.

Mr. Murphy moved the adoption of the following Richendifer amendment:

1. On page 2, strike beginning with the comma in line 2 through the comma in line 3.
2. On page 2, line 7, insert "except as otherwise provided in section 76-720, Reissue Revised Statutes of Nebraska, 1943" after "costs".

The amendment lost with 20 ayes, 1 nay and 28 not voting.

Mr. Mahoney asked to take this bill from the underlined bills.

The Chair ruled that since the discussion had been started, we could continue on the bill.

Mr. Mahoney appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 15 ayes, 16 nays and 18 not voting.

Mr. Luedtke offered the following amendment:
Add the emergency clause to LB 731

The amendment lost with 14 ayes, 17 nays and 18 not voting.

Mr. Mahoney moved to indefinitely postpone.

The motion prevailed with 29 ayes, 7 nays and 13 not voting.

LEGISLATIVE BILL 863. Title read. Considered.

Mr. Warner offered the following amendment to the Standing Committee amendment:

Amend the committee amendments printed in the Journal for the 42nd day as follows:

Pg. 1049, Section 4, fifth line of that section, strike "by the district"

The amendment was adopted.

Standing Committee amendments found in the Journal on page 1047 for the Forty-second Day were adopted, as amended, with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 1002. Title read. Considered.

Standing Committee amendment found in the Journal on page 1093 for the Forty-third Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 894. Title read. Considered.

Standing Committee amendments found in the Journal on page 1112 for the Forty-fourth Day were adopted with 26 ayes, 7 nays and 16 not voting.

Mr. DeCamp offered the following amendments:

1. On page 9, line 20 after "may" insert ", subject to the approval of the board,".
2. Strike original section 5.
3. Renumber original sections 6 to 9 as sections 5 to 8 respectively.
4. On page 10 line 6 strike "72-242, and 79-1302," and insert "and 72-242,".

Mr. DeCamp moved for a Call of the House. The motion prevailed with 20 ayes, 10 nays and 19 not voting.

Mr. Keyes moved the Call be raised. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

The DeCamp amendments were adopted with 26 ayes, 13 nays and 10 not voting.

Mr. F. Lewis moved to indefinitely postpone. The motion lost with 18 ayes, 20 nays and 11 not voting.

Advanced to E & R for Review with 25 ayes, 9 nays and 15 not voting.

LEGISLATIVE BILL 780. Title read. Considered.

Mr. Fellman moved to advance LB 780 to E & R for Review.

Mr. Fellman moved for a Call of the House. The motion prevailed with 18 ayes, 11 nays and 20 not voting.

Mr. Fellman moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 15 nays and 9 not voting.

LEGISLATIVE BILL 705. Title read. Considered.

Standing Committee amendments found in the Journal on page 1160 for the Forty-fifth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Luedtke offered the following amendment:

1. Amend section 2 to read as follows:

"Sec. 2. That original section 7-102, Reissue Revised Statutes of Nebraska, 1943, and also section 24-339, Revised Statutes Supplement, 1972, as amended by Legislative Bill 162, Eighty-third Legislature, First Session, 1973, are repealed."

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Chambers moved to advance LB 705 to E & R for Review.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 15 ayes, 8 nays and 26 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed.

Advanced to E & R for Review with 25 ayes, 9 nays and 15 not voting.

LEGISLATIVE BILL 774. Title read. Considered.

Mr. Keyes offered the following amendment:

On page 2, line 17 "otherwise", insert and show as new matter:

"In counties with more than sixty thousand but less than one hundred thousand inhabitants the county attorney shall receive a salary of not less than twenty-seven thousand five hundred dollars per annum. The county attorney shall not engage in private practice. The deputy county attorneys in such counties may engage in private practice except that they may not represent any other political subdivision. In counties with more than one hundred thousand but less than two hundred thousand inhabitants the county attorney shall receive a salary of not less than thirty-two thousand five hundred dollars per annum. The county attorney shall not engage in private practice though his deputies may engage in such practice except that they may not represent any other political subdivision."

On page 3, line 16 add a new section 2 which states:

2. The provisions of this act shall take effect on January 1, 1975.

Renumber original section 2 as section 3.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 875A. Placed on Select File.

LEGISLATIVE BILL 934. Placed on Select File as amended.

E & R amendments to LB 934:

1. On page 2, line 19, strike the comma.
2. On page 3, line 5, strike the comma; in line 14, strike "lots" and insert "feedlot".
3. On page 4, line 9, strike "same" and "as".
4. On page 5, line 8, insert "the" after "in".
5. On page 6, line 4, strike "lots" and insert "feedlots".

LEGISLATIVE BILL 935. Placed on Select File as amended.

E & R amendments to LB 935:

1. On page 9, line 18, strike the first "and" and the comma.
2. On page 11, line 22, strike the comma.
3. On page 14, line 14, strike the comma; and in lines 14 and 15 strike "of a cattle shipment".
4. On page 17, line 24, strike the comma.
5. In the title, line 10, insert "to provide for hours of inspection;" after the second semicolon.

LEGISLATIVE BILL 825. Placed on Select File as amended.

E & R amendments to LB 825:

1. On page 2, line 24, insert "as" after the first "or".
2. In new section 3, line 2, strike "herein conferred" and insert "conferred in this act".
3. On page 3, line 6, strike "herein conferred" and insert "conferred in this act"; in line 13 strike the comma; and in line 25 strike "confers" and insert "confer".
4. In the title, line 2, strike "urban" and insert "community"; in line 3 strike "primary cities" and insert "cities of the primary class"; in line 5 strike "to levy taxes;" and insert to provide procedures;"

LEGISLATIVE BILL 937. Placed on Select File as amended.

E & R amendments to LB 937:

1. On page 2, line 8, insert "legal" after "daily".
2. In the title, line 5, insert "to increase the charge assessed for advertising;" after the semicolon.

LEGISLATIVE BILL 982. Placed on Select File as amended.
E & R amendment to LB 982:

1. On page 2, insert a comma after "enroll" in line 2 and "act" in line 3; in line 9 strike "institutions" and insert "institutions"; in line 15 strike the comma; in line 17 strike "this"; and in line 18 strike "will" and insert "shall".

LEGISLATIVE BILL 945. Placed on Select File as amended.
E & R amendments to LB 945:

1. In section 1, strike line 6 and insert "of section 72-1405.".

2. In section 2, strike line 3 and insert "to 72-1408 may pro-".

3. In section 3, strike lines 5 and 6 and insert "to the provisions of section 72-1405.".

4. In section 4, strike lines 6 and 7 and insert "suant to the provisions of section 72-1405.".

5. Pursuant to the Dickinson amendment, in section 5, strike beginning with the comma in line 7 through "Street" in line 10.

6. In section 6, line 6, strike "1" and insert "5".

7. In section 8, lines 2 and 6, strike "1" and insert "5".

8. In section 9, paragraph "Third", line 6, insert "the" after "and" as in the statutes.

9. In the title, line 3, insert "to provide for leases and subleases as prescribed;" after the semicolon.

LEGISLATIVE BILL 678. Placed on Select File as amended.
E & R amendments to LB 678:

1. Insert the new matter of the Barnett amendment at the end of line 8, page 3, of the committee amendments.

2. In the title, strike lines 2 to 9 and insert:
"FOR AN ACT to amend section 66-423.01, Revised Statutes Supplement, 1972, relating to the Highway Allocation Fund; to extend provisions for bonds for off-street parking facilities to cities of the metropolitan class; to provide for referendums; and to repeal the original section."

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Print Amendments to LB 875 & LB 875A

Mr. Snyder asked unanimous consent to print the following amendments to LB 875 and LB 875A in the Journal. No objections. So ordered.

Amendments to LB 875

1. Strike original sections 1 and 2 and all standing committee and other amendments to LB 875, and insert the following:

“Section 1. That section 14-1821, Revised Statutes Supplement, 1972, be amended to read as follows:

14-1821. To assist in the defraying of all character of expenses of the authority, and to such extent as in its discretion and judgment may be necessary, the board shall annually certify a tax for the fiscal year commencing on the following January 1. Such tax shall not exceed in any one year ~~one mill~~ two mills on the dollar on the assessed value of all tangible real and personal property in the city of the metropolitan class, taxable according to the laws of the State of Nebraska. The board shall by resolution, on or before July 31, certify such tax levy to the city council of such metropolitan city. Such city is hereby authorized and required to cause such tax to be levied and to be collected as are other taxes by the treasurer of such metropolitan city or the county treasurer as ex officio treasurer of the city in which said metropolitan city is situated, and paid over by him to the treasurer of such board, subject to the order of such board. If in any year the full amount so certified and collected is not needed for the current purposes of such authority, the balance shall be credited to reserves of such authority, to be used for acquisition of necessary property and equipment.

Sec. 2. At such times as state funds shall be available the fare on the regular public transit buses for those persons sixty years of age or older shall not cost in excess of ten cents during nonpeak operating hours, which hours shall be designated by the local transit authority or city, whichever has jurisdiction.”.

Sec. 3. If any section of this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

4. That original section 14-1821, Revised Statutes Supplement, 1972, is repealed.”.

Amendment to LB 875A

1. On page 2, lines 1 and 2 strike “two hundred thousand” and insert “one million”.

UNANIMOUS CONSENT—Select File Bills

Mr. Mahoney asked unanimous consent to consider Select File bills reported in this afternoon. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 875A. Laid over.

LEGISLATIVE BILL 934. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 935. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 825. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 937. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 945. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1040. Title read. Considered.

Standing Committee amendments found in the Journal on page 1195 for the Forty-sixth Day were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

MOTION—Suspend Rules

Mr. Chambers moved to suspend the rules to adopt amendments on General File by a majority of those voting. The motion lost with 12 ayes, 19 nays and 18 not voting.

GENERAL FILE

LEGISLATIVE BILL 681. Title read. Considered.

Standing Committee amendment found in the Journal on page 681 for the Thirty-first Day was adopted with 27 ayes, 1 nay and 21 not voting.

Mr. Simpson offered the following amendments:

1. On page 2, lines 7 and 13, strike "20-125" and insert "~~20-125~~ 20-143".

2. Insert a new section to read:

"Sec. 2. That section 20-134, Revised Statutes Supplement, 1973, be amended to read as follows:

20-134. Any person who directly or indirectly refuses, withholds from, denies, or attempts to refuse, withhold, or deny, to any other person any of the accommodations, advantages, facilities, services, or privileges, or who segregates any person in a place of public accommodation on the basis of race, creed, color, sex, religion, national origin, or ancestry, shall be guilty of discriminatory practice and shall be subject to the penalties of sections 20-132 to 20-143."

3. On page 3, line 17, strike "is" and insert "and section 20-134, Revised Statutes Supplement, 1973, are".

The Simpson amendment No. 1 was adopted with 25 ayes, 0 nays and 24 not voting.

The Simpson amendments Nos. 2 and 3 were considered.

Mr. Simpson moved for a Call of the House. The motion prevailed with 18 ayes, 10 nays and 21 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Simpson amendments Nos. 2 and 3 were adopted with 25 ayes, 9 nays and 15 not voting.

Advanced to E & R for Review with 25 ayes, 14 nays and 10 not voting.

LEGISLATIVE BILL 819. Title read. Considered.

Standing Committee amendments found in the Journal on page 1308 for the Fiftieth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 693. Title read. Considered.

Standing Committee amendments found in the Journal on page 1255 for the Forty-eighth Day were adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Goodrich offered the following amendment:

Add a new Sect to 23-343.01 reading as follows

(4) In counties having a population of two hundred thousand inhabitants or more, the county board of such county having such facility or facilities, in lieu of appointing a board of trustees of such facility or facilities, may elect to serve as the board of trustees of such facility or facilities. If the county board makes such election, that county board shall assume all the duties and responsibilities of the board of trustees of such institution. Such election shall be evidenced by the adoption of a resolution by that county board.

Mr. Stull asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

The Goodrich amendment was adopted with 29 ayes, 1 nay and 19 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 1026. Title read. Considered.

The Snyder amendment found in the Journal on page 1359 for the Fifty-second Day was adopted.

The Snyder amendment found in the Journal on page 1257 for the Forty-eighth Day as amended by the amendment on page 1359 was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 677. Title read. Considered.

Mr. Kelly renewed his amendments found in the Journal on page 744 for the Thirty-third Day.

Mr. Kelly requested a record vote.

Voting in the affirmative, 25:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
DeCamp	Epke	Fellman	Fowler	Goodrich
Hasebrook	Johnson	Kelly	Kime	Kremer

Luedtke	Maresh	Marsh	Marvel	Murphy
Simpson	Stahmer	Warner	Whitney	Wiltse

Voting in the negative, 7:

Chambers	Moylan	Nore	Proud	Savage
Snyder	Syas			

Not voting, 17:

Carpenter	F. Carstens	Clark	Dickinson	Duis
Kennedy	Keyes	F. Lewis	R. Lewis	Mahoney
Rasmussen	Richendifer	Schmit	Skarda	Stromer
Stull	Waldron			

The Kelly amendment was adopted with 25 ayes, 7 nays and 17 not voting.

Mr. Goodrich offered the following amendment:

On line 8, Pg. 4 of white copy by inserting "upon request of the Sect. of State" before the word mail

Mr. Goodrich moved for a Call of the House. The motion prevailed with 16 ayes, 14 nays and 19 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 23 ayes, 2 nays and 24 not voting.

The Goodrich amendment lost with 23 ayes, 17 nays and 9 not voting.

Mr. Syas moved to indefinitely postpone.

Mr. Kelly requested a record vote.

Voting in the affirmative, 14:

Chambers	Epke	Kennedy	Keyes	Moylan
Nore	Proud	Savage	Simpson	Skarda
Snyder	Syas	Whitney	Wiltse	

Voting in the negative, 24:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
DeCamp	Dickinson	Duis	Fellman	Fowler
Goodrich	Hasebroock	Kelly	Kime	Kremer
Luedtke	Maresh	Marsh	Marvel	Murphy
Rasmussen	Stahmer	Waldron	Warner	

Not voting, 11:

Carpenter	F. Carstens	Clark	Johnson	F. Lewis
R. Lewis	Mahoney	Richendifer	Schmit	Stromer
Stull				

The Syas motion lost with 14 ayes, 24 nays and 11 not voting.

Advanced to E & R for Review with 26 ayes, 13 nays and 10 not voting.

LEGISLATIVE BILL 718. Title read. Considered.

Mr. Maresh moved to indefinitely postpone.

The motion prevailed with 18 ayes, 11 nays and 20 not voting.

LEGISLATIVE BILL 651. Title read. Considered.

Mr. DeCamp offered the following amendment:

1. On page 2, line 1, strike all of section 1 and insert a new section 1 as follows:

"Section 1. For a period commencing at 2:00 antemeridian on the last Sunday of April of each year, and ending at 2:00 antemeridian on the last Sunday of April of each year, all Nebraska time zones shall be one hour earlier than the time provided for the balance of the year."

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Syas moved to indefinitely postpone.

Mr. Rasmussen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Syas motion lost with 7 ayes, 23 nays and 19 not voting.

Advanced to E & R for Review with 28 ayes, 3 nays and 18 not voting.

LEGISLATIVE BILL 923. Title read. Considered.

The Standing Committee amendment found in the Journal on page 783 for the Thirty-third Day was adopted with 27 ayes, 1 nay and 21 not voting.

Mr. Schmit offered the following amendment:

1. Strike Section 3

The amendment was adopted with 27 ayes, 3 nays and 19 not voting.

Mr. Mahoney offered the following amendment:

1. Strike the new matter on page 2, lines 8 to 19; page 3 lines 7 to 18; page 4, lines 22 to 27; page 5, lines 1 to 9; page 6, lines 15 to 26; page 7, lines 14 to 25.

The amendment was adopted with 26 ayes, 15 nays and 8 not voting.

Advanced to E & R for Review with 32 ayes, 2 nays and 15 not voting.

MOTION—Suspend Rules

Mr. Marvel moved to go to Select File to take up LB 1055, LB 1056, LB 1058, and LB 1049.

The motion prevailed with 34 ayes, 3 nays and 12 not voting.

SELECT FILE

LEGISLATIVE BILL 1055. The Marvel amendments (11) found in the Journal on page 1393 for the Fifty-third Day were adopted with 25 ayes, 0 nays and 24 not voting.

The Marvel amendment (17) found in the Journal on page 1464 for the Fifty-fifth Day was adopted.

Advanced to E & R for Engrossment with 30 ayes, 1 nay and 18 not voting.

LEGISLATIVE BILL 1056. E & R amendments found in the Journal on page 1399 for the Fifty-third Day were adopted.

The Marvel amendment found in the Journal on page 1394 for the Fifty-third Day was adopted with 30 ayes, 0 nays and 19 not voting.

The Marvel amendment found in the Journal on page 1465 for the Fifty-fifth Day was adopted with 29 ayes, 0 nays and 20 not voting.

The Stahmer amendment found in the Journal on page 1464 for the Fifty-fifth Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 1058. E & R amendment found in the Journal on page 1400 for the Fifty-third Day was adopted with 28 ayes, 0 nays and 21 not voting.

The Marvel amendments found in the Journal on page 1394 for the Fifty-third Day and page 1465 for the Fifty-fifth Day were adopted with 28 ayes, 0 nays and 21 not voting.

The Epke amendments (13) found in the Journal on page 1463 for the Fifty-fifth Day originally to LB 1055 lost with 13 ayes, 20 nays and 16 not voting.

Advanced to E & R for Engrossment with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 1049. Standing Committee amendments found in the Journal on page 1302 for the Fiftieth Day were adopted with 31 ayes, 0 nays and 18 not voting.

Advanced to E & R for Engrossment with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 875. The Snyder amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 875A. The Snyder amendment found in this day's Journal was adopted with 25 ayes, 10 nays and 14 not voting.

Advanced to E & R for Engrossment with 25 ayes, 10 nays and 14 not voting.

MOTION—Adjournment

Mr. Kennedy moved to adjourn until 10:00 a.m., Monday, April 8, 1974. The motion lost with 8 ayes, 19 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 757. E & R amendments found in the Journal on page 1418 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 302. E & R amendments found in the Journal on page 1418 for the Fifty-fourth Day were adopted.

Laid over at the request of Mr. Marvel.

LEGISLATIVE BILL 782. Mr. Stahmer asked unanimous consent to bracket.

Mr. Fellman objected.

Laid over.

LEGISLATIVE BILL 982. E & R amendments found in this day's Journal were adopted.

Mr. Waldron asked unanimous consent to hold the bill over.

Mr. Nore objected.

Advanced to E & R for Engrossment with 29 ayes, 2 nays and 18 not voting.

LEGISLATIVE BILL 678. E & R amendments found in this day's Journal were adopted.

Mr. Barnett offered the following amendment which was adopted with 26 ayes, 0 nays and 23 not voting.

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Advanced to E & R for Engrossment.

MOTION—Return LB 920 to Select File

Mr. Burbach moved to return LB 920 to Select File for the specific amendment found in the Journal on page 1458 for the Fifty-fifth Day and the following amendment:

1. On page 3, line 16 strike "is" and insert "and also section 3, Legislative Bill 873, Eighty-third Legislature, Second Session, 1974, are".

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 920. The Burbach specific amendment referred to above was adopted with 25 ayes, 3 nays and 21 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 757 to Select File

Mr Cavanaugh moved to return LB 757 to Select File for the following specific amendment:

1. In the Cavanaugh amendment on page 1383 of the journal, strike the new matter in lines 4 to 10 and insert: "At the election held six years after the first election of trustees and at each election held thereafter, two members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district, and three members shall be elected by all of the owners of real estate located in the district pursuant to this section. If there are not any legal property owners resident within such district the five members shall be elected by the legal property owners of all property within such district as provided in this section. Each legal property owner resident within such sanitary and improvement district may cast one vote for each of the two trustees such owners are entitled to elect and for the three remaining members such owners may cast one vote for each trustee for each acre of unplatted land or fraction thereof and one vote for platted lot which he may own in the district."

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 757. The Cavanaugh specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print Explanation to LB 1057 in the Journal

Mr. Stahmer asked unanimous consent to print the following explanation to LB 1057 in the Journal.

The consideration of LB 1057 included the adoption of an amendment offered by Senator Marvel found on page 1453 of the Journal. The Marvel amendment was amended by Senator Stahmer and it was intended that the Stahmer amendment be a substitute for the original Marvel amendment rather than an addition to it.

(Signed) Richard D. Marvel
(Signed) David Stahmer

MOTION—Adjournment

At 7:31 p.m., Mr. DeCamp moved to adjourn until 10:00 a.m., Monday, April 8, 1974. The motion prevailed with 25 ayes, 15 nays and 9 not voting.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SEVENTH DAY—APRIL 8, 1974**LEGISLATIVE JOURNAL****EIGHTY-THIRD LEGISLATURE
SECOND SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 8, 1974

Pursuant to adjournment, the Legislature met at 10:03 a.m., President Marsh presiding.

PRAYER

The Prayer was offered by the Chaplain.

Eternal God, our Father, as our beloved Jewish citizens in their Passover today recall the deliverance of Israel from the Egyptian bondage we beg Thy divine blessings on them. For we also begin the sacred solemn hours of our Holy Week commemorating our deliverance from the bondage of sin thru the sufferings and death of Thy Divine Son, and we beg Thy infinite mercy for our transgressions; our disobedience to Thy law; our revolt against Thy authority; our denial of Thy wisdom; our ingratitude for Thy goodness; our treachery against Thy friendship. Our iniquities are multiplied above the sands of the sea. Let the full free tide of Thy tender mercy pour its pure glad waters over our souls, washing them as white as snow. For all, Jew and Christian, these are days of prayers; mine are for mercy and forgiveness. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Carpenter, Johnson, Kremer and Proud who were excused and Mr. Dickinson who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1471, line 13, delete "575" and insert "1198"; line 14 delete "Twenty-fifth" and insert "Forty-sixth".

Page 1491, line 29, delete "For Review" and insert "for Engrossment".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1028. Replaced on Select File as amended.
E & R amendments to LB 1028:

1. In the Waldron amendments, page 13, strike lines 5 to 9; and in line 10, strike "19" and insert "30".

2. Renumber the substantive sections added by the Waldron amendments as sections 8 to 29.

3. In the Final Reading bill, renumber sections 8 to 10 as sections 31 to 33.

4. In the Final Reading bill, page 3, lines 12 and 15, insert "sections 1 to 7 of" after "of".

5. In the Final Reading bill, page 5, line 18, insert "sections 1 to 7 of" after "by".

6. In the Final Reading bill, page 7, lines 7, 11, and 22 insert "sections 1 to 7 of" before "this".

7. In the Final Reading bill, page 8, lines 3, 8, 12, and 15, insert "sections 1 to 7 of" before "this".

8. In the first Waldron amendments, page 2, line 1, insert "sections 8 to 29 of" after "of"; and in line 12 strike "situate" and insert "situated".

9. In the first Waldron amendments, page 3, lines 6 and 13, strike "where" and insert "when".

10. In the Waldron amendments, page 4, insert "sections 8 to 29 of" at the end of lines 1, 7, 17, and 24; and in line 27 strike "2 to 6" and insert "9 to 13".

11. In the Waldron amendments, page 5, lines 3 and 17, strike "3 to 6" and insert "10 to 13"; in line 11 strike "damage"; in line 11 strike "2" and insert "9"; in line 13, insert an underscored comma after "section"; and in lines 21 and 24 insert "sections 8 to 29 of" after "of".

12. In the Waldron amendment, page 6, lines 4 and 5, strike "; however," and insert ", but"; in line 7 insert "sections 8 to 29 of" after "of"; in line 13 strike "situate" and insert "situated"; in lines 15 and 16 strike "2 to 6" and insert "9 to 13"; in line 18 strike the comma; in line 20 insert "thereof" after "copying"; and in line 25 strike the comma.

13. In the Waldron amendments, page 8, line 25, insert "sections 8 to 29 of" after "of".

14. In the Waldron amendments, page 9, line 7, strike the comma; and in line 12 strike "required" and insert "require".

15. In the Waldron amendments, page 10, lines 13, 19, and 22, strike "9" and insert "16"; in line 17 strike "2 to 6" and insert "9 to 13"; in line 20 strike "the foregoing" and insert "such"; in line 23 strike "said" and insert "the"; and

in line 27 strike "8" and insert "15".

16. In the Waldron amendments, page 11, line 2, strike "2 to 6" and insert "9 to 13"; in line 4 strike "9" and insert "16"; in line 5 insert "as to" after "matters"; in line 8, strike "where" and insert "when"; in line 9, strike "3 or 4" and insert "10 or 11"; in lines 10 and 11, strike "in this act provided" and insert "provided in sections 8 to 29 of this act"; in line 13 strike "2" and insert "9"; in lines 15 and 16 strike "nothing in this paragraph shall" and insert "such penalty shall not"; in line 20 strike the second comma; and in line 23 insert an underscored comma after "section".

17. In the Waldron amendments, page 12, line 1, strike "3 and 4" and insert "10 and 11"; in line 8, strike "3 or 4" and insert "10 or 11"; insert "sections 8 to 29 of" at the end of line 9 and before "this" in lines 12, 15, and 16; in line 14, insert "sections 8 to 29 of" after "of"; in line 15 strike "reprehends" and insert "prohibit"; and in lines 25 and 27 strike "2" and insert "9".

18. In the Waldron amendment 2 to the Waldron amendments, line 2, insert "sections 8 to 29 of" after "of"; and in line 6 strike "; if" and insert "if such actions or transactions are".

19. In the Waldron amendments, page 13, strike lines 1 and 2 and insert:

"No penalty or remedy shall"; in line 3 insert "sections 8 to 29 of" after "of"; in line 4 strike "herein" and insert "therein"; and in line 10 strike "19. This" and insert "30. Sections 8 to 29 of this".

20. In renumbered section 25, line 5, insert "such products" after "marketing" and strike ", such products"; and in line 6 strike the semicolon and insert an underscored comma.

21. In renumbered section 26, line 2, strike "such association" and insert "any association described in section 25 of this act"; and in line 5 strike ", or contained therein," and insert "or in which shall be contained".

22. In renumbered section 27, lines 2 and 5, strike "3, 4, or 5" and insert "10, 11, or 12".

23. In renumbered section 28, line 2, strike "3 or 4" and insert "10 or 11".

24. In renumbered section 29, line 5, strike "3, 4, or 5" and insert "10, 11, or 12"; and in the last line insert "and" after "agency".

25. Strike the Waldron amendments 4 and 5, and in the Final Reading bill, page 8, insert "and also section 59-509 and Chapter 59, articles 2, 4, 6, 9, and 10, Reissue Revised Statutes of Nebraska, 1943," at the end of line 23.

26. In the title of the Final Reading bill, line 9, insert "to adopt the Consumer Protection Act;" after the first semicolon; and in line 10 insert ", and also section 59-509 and Chapter 59, articles 2, 4, 6, 9, and 10, Reissue Revised Statutes of Nebraska, 1943" after "sections".

LEGISLATIVE BILL 1054. Replaced on Select File as amended. E & R amendments to LB 1054:

1. On page 5, line 17, strike "and"; and in line 19 strike the period and insert "; and".

2. In that part of the Marvel amendments that amends page 7, line 4, strike "The".

3. On page 10, strike beginning with "Revised" in line 23 through the comma in line 24.

4. In the Marvel amendment striking subsection (11) of section 6, in line 1 of the new matter, strike "(11)" and insert "(10)"; and in line 39, strike ", Revised Statutes Supplement, 1973".

5. In the new matter of the Marvel amendments to pages 31 and 72, strike the quotation marks in lines 2 and 3; in line 5 strike "tuitional" and insert "tuition"; in line 5 strike "adjust" and insert "adjusting"; and in line 6 strike ", provided," and insert "Provided,".

6. On page 31, after line 12, insert first the Marvel amendment and then the Carpenter amendment.

7. In the Carpenter amendments commencing on page 1320 of the Journal, on page 2, line 9, strike "purchase" and insert "purchases".

8. In the Barnett amendments, in each instance strike the punctuation before the terminal quotation marks; and on page 24, line 16, insert the new sentence after the period and in line 1 thereof insert "Public" after "of".

9. In the Luedtke amendment, insert an underscored comma after "Legislature"; and insert ", 1973," after "Session".

10. Because of the Stahmer amendment found and adopted on page 1435 of the Journal, strike the Stahmer amendment found on page 1350 and adopted on page 1433 of the Journal.

11. In the Savage amendment and pursuant to the Carpenter amendment thereto, in line 2 strike "\$700,000" and insert "\$250,000" and strike "1975-76 and" and insert "1974-75"; strike line 3 and up to the 2nd "for" in line 4; and in line 6 strike "amounts are" and insert "amount is".

12. In the Mahoney amendment to page 35, in the next to the last line strike "Sec. 16" and insert "section 16,".

13. On page 54, after line 24, insert first the Marvel amendment, second the Rasmussen amendment, and third the Mahoney amendment.

14. On page 34, line 12, amend the figure to read "2,356,237".

15. On page 37, line 20, amend the figure to read "4,609,674".

16. On page 39, line 14, amend the figure to read "748,316".

17. On page 40, line 23, amend the figure to read "1,222,926"; and in line 27 amend the figure to read "1,911,996".

18. On page 44, line 7, amend the figure to read "2,403,228".

19. In lieu of the Stahmer amendments to page 16, in that part of the Marvel amendment found at the top of page 1362 of the Journal, amend the General Fund figure to read "24,724,611", the Cash Fund figure to read "10,141,656", and the Agency Total figure to read "40,406,169".

20. On page 55, line 2, amend the figure to read "10,300,030"; and in line 6 amend the figure to read "16,132,888".

21. On page 56, line 4, amend the figure to read "37,586,709"; and in line 8, amend the figure to read "89,016,105".

22. Strike amendments renumbering sections, and renumber and number sections as follows:

- a. New section 21 as section 30.
- b. New sections 30 and 31 as sections 31 and 32.
- c. The validity clause as section 33.
- d. Original section 30 as section 35.

23. Strike both repeal sections and insert a new section to read:

"Sec. 34. That original section 4, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, and sections 81-153 and 81-1118, Reissue Revised Statutes of Nebraska, 1943, are repealed."

24. On page 73, strike beginning with the comma in line 26 through the second comma in line 27.

25. On page 80, strike beginning with "Reissue" in lines 15 and 17 through the comma in lines 16 and 18,

26. On page 81, strike beginning with the comma in line 8 through "1943" in line 9.

27. On page 85, after line 12, insert

"Supreme Court	30
Purchasing	31-32
Validity	33
Repeal	34";

and in line 13, strike "30" and insert "35".

28. In the title, line 6, insert "to amend section 4, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, and sections 81-153 and 81-1118, Reissue Revised Statutes of Nebraska, 1943; to change appropriations; to change purchasing and contracting provisions; to provide severability; to repeal the original sections;" after the semicolon.

LEGISLATIVE BILL 1057. Replaced on Select File as amended. E & R amendments to LB 1057:

1. In the Chambers amendment 1, line 2, strike "fund" and insert "Funds"; and in line 4, insert a period after "purpose".

2. In the Savage amendment, line 6, insert a period after "students".

3. On page 11, after line 4, insert first the Chambers amendment and second the Savage amendment.

4. In the Marvel amendment to page 13, after line 16, in line 4 strike the quotation marks; in line 6 strike "tuitional" and insert "tuition"; and in line 7 strike "adjust dormitory rates, provided," and insert "adjusting dormitory rates; Provided."

5. Strike E & R amendment 1, adopted 4/1.

6. Pursuant to the Stahmer amendment, on page 13, after line 16 and prior to the Marvel amendment thereto, insert:

"There is also included in the amount shown \$250,000 to be allocated by the board among the six technical community college areas in the proportion that the population of each bears to the population of the entire state according to the most recent federal decennial census."; and in line 26 strike "317,371" and insert "567,371".

7. In line 2 of the Carpenter amendment to page 13, after line 2, strike "The" and insert "Neither the" and strike "and" and insert "nor"; and in line 3 strike "not".

8. Insert the validity clause as section 6 and renumber original section 6 as section 7.

9. On page 14, line 7, amend the figure to read "10,924,922"; and in line 12 amend the figure to read "20,874,302".

10. In the title, line 7, insert "to provide severability;" after the semicolon.

LEGISLATIVE BILL 1059. Replaced on Select File as amended.
E & R amendments to LB 1059:

1. Renumber original sections 2 to 7 as sections 3 to 8.
2. Number the amendatory section added by the Marvel amendment as section 9.
3. Renumber original sections 8 to 16 as sections 10 to 18.
4. Insert the Keyes amendment as section 19 and the validity clause as section 20.
5. Renumber original sections 17 and 18 as sections 21 and 22.
6. Strike the Stahmer amendment 2.
7. In new section 9, strike "35,568" each place it appears and reinsert the same, underscored, immediately beneath the stricken matter in each place it appears.
8. In new section 19, line 2, strike "\$10,000" and insert "ten thousand dollars"; in line 3 strike "and/or" and insert "or"; in line 4 insert ", or both," after "fees"; in line 5 strike the comma and insert an underscored colon; in lines 6, 8, and 9 strike "the" and insert "The"; in line 7 strike the comma and insert an underscored semicolon; in line 8 insert an underscored semicolon after "payment"; in line 13 strike ", in turn"; in line 14 insert "the" after "submit" and strike "Budget Committee" and insert "Committee on Appropriations"; and in line 18 strike "act" and insert "section".
9. On page 23, line 4, insert "23," after the first comma; and in line 5 insert "67," after the fourth comma.
10. In the title, insert "23," at the end of line 2; in line 3 insert "67," after the sixth comma; in line 12 insert "to require reports of certain University of Nebraska faculty members as prescribed; to provide severability;" after the first semicolon.

LEGISLATIVE BILL 934. Replaced on Select File as amended.
E & R amendment to LB 934:

1. On page 2, line 10, insert "Revised Statutes Supplement, 1972," after the comma.

LEGISLATIVE BILL 1055. Replaced on Select File as amended.
E & R amendments to LB 1055:

1. Insert the validity clause as section 68 and renumber original sections 68 and 69 as sections 69 and 70.
2. On page 4, line 7, strike "paragraph 2 of".
3. On page 9, line 11, strike "and"; and in line 15 strike the period and insert "; and".

4. On page 32, lines 9 and 10, strike “, Reissue Revised Statutes of Nebraska, 1943”.

5. In the title, line 10, insert “to provide severability;” after the semicolon.

LEGISLATIVE BILL 1056. Replaced on Select File as amended.
E & R amendments to LB 1056:

1. In Marvel amendment 1, line 4, strike the period.

2. In Marvel amendment 2, line 5, strike the period and add an underscored semicolon.

3. In lieu of Stahmer amendment 3, renumber original sections 3 to 7 as sections 4 to 8.

4. On page 11, lines 5 and 6, strike “, Revised Statutes Supplement, 1973”.

5. Insert the validity clause as section 9; and renumber the repeal section as section 10, and renumber original section 8 as section 11.

6. In the title, line 8, insert “to amend section 5, Legislative Bill 256, Eighty-third Legislature, First Session, 1973; to provide severability; to repeal the original section;” after the semicolon.

LEGISLATIVE BILL 1058. Replaced on Select File as amended.
E & R amendments to LB 1058:

1. On page 12, strike beginning with the comma in line 12 through “1943” in line 13.

2. Insert the validity clause as section 15 and renumber original sections 15 and 16 as sections 16 and 17.

3. In the title, line 9, insert “to provide severability;” after the second semicolon.

LEGISLATIVE BILL 1049. Replaced on Select File as amended.
E & R amendments to LB 1049:

1. In the Maresh amendment, line 13, strike “State”.

2. On page 3, line 23, strike “Land” and insert “Lands”.

LEGISLATIVE BILL 875. Replaced on Select File as amended.
E & R amendments to LB 875:

1. In section 2, line 1, insert an underscored comma after “available”.

2. In line 1 of new section 4, insert “Sec.” before “4”.

3. In the title, strike lines 2 to 6 and insert:

“FOR AN ACT to amend section 14-1821, Revised Statutes Supplement, 1972, relating to metropolitan

transit authorities; to increase the maximum mill levy; to provide a maximum fare as prescribed; to provide severability; and to repeal the original section.”.

LEGISLATIVE BILL 875A. Replaced on Select File as amended.
E & R amendment to LB 875A:

1. In the title, line 2, strike “two hundred thousand” and insert “one million”.

LEGISLATIVE BILL 678. Replaced on Select File as amended.
E & R amendments to LB 678:

1. Strike the title, lines 2 to 9, and the amendments thereto and insert:

“FOR AN ACT to amend section 66-423.01, Revised Statutes Supplement, 1972, relating to the Highway Allocation Fund; to provide that any city of the metropolitan or primary class may issue bonds for the construction of off-street parking facilities and pay the principal of and interest on such bonds by levying ad valorem taxes and pledging funds received from the Highway Allocation Fund, notwithstanding any limitations of indebtedness, restrictions, or conditions precedent imposed by statute or charter relating to the issuance of such bonds; to provide for referendums; to repeal the original section; and to declare an emergency.”.

LEGISLATIVE BILL 920. Replaced on Select File as amended.
E & R amendments to LB 920:

1. Renumber section 2 added by the Burbach amendment as section 6 and present sections 6 and 7 as sections 7 and 8.

2. In renumbered section 6, line 4, strike “speed limit” and insert “Nebraska speed limits”.

3. Strike the Burbach amendment 2.

4. In lieu of the Burbach amendment to the repeal section, in renumbered section 7, line 8, insert “and also section 3, Legislative Bill 873, Eighty-third Legislature, Second Session, 1974,” after the second comma.

5. In the title as amended, line 14, insert “to provide for changes in speed limits as prescribed;” after the semicolon; and in line 15 insert “, and also section 3, Legislative Bill 873, Eighty-third Legislature, Second Session, 1974” after “sections”.

LEGISLATIVE BILL 757. Replaced on Select File as amended.
E & R amendments to LB 757:

1. In renumbered section 10, line 23, strike "acre of".

2. In the Cavanaugh amendment adopted 4/3, strike lines 1 and 2 and insert:

"1. In renumbered section 10, strike the new matter in lines 24 to 30 and insert: 'At the election' "; and in line 15 insert "each" after "for".

LEGISLATIVE BILL 620. Placed on Select File as amended.
E & R amendments to LB 620:

1. In committee amendments, page 1, lines 9 and 10, strike " , 4, and 8" and insert "and 4".

2. In committee amendments, page 2, line 22, strike the comma and insert "and".

3. In committee amendments, page 3, line 1, strike "of" and insert "to"; in line 2 strike the first "of"; in line 5 strike "systems" and insert "system"; in line 10 strike "his" and insert "the child's"; in line 13 strike " . Where" and insert "and, when"; and in line 15 strike the comma.

4. On page 4, line 3, strike "said" and insert "such"; in line 10 strike "said minor" and insert "he"; in line 12 insert "and" after "court"; in line 13 insert "and any" after the comma; in line 18 strike the second "and"; and in line 27 strike the first comma.

5. On page 5, lines 4 and 5, strike "the above" and insert "such"; in line 10 strike "where" and insert "in which"; in line 12 strike "the Juvenile Court Act" and insert "Chapter 43, article 2"; in line 15 strike "in" and insert "pursuant to"; in lines 18 and 20 strike "said" and insert "the"; and strike lines 26 and 27 and insert "proceed as provided in Chapter 43, article 2."

6. In committee amendments, page 5, line 1, insert an underscored comma before "which".

7. On page 6, line 19, strike "the Juvenile Court Act" and insert "Chapter 43, article 2"; in line 20 strike "said" and insert "such"; and in line 25 strike "said" and insert "the".

8. On page 7, line 1, strike "said" and insert "the"; and strike beginning with "under" in line 6 through "contained" in line 7.

9. In committee amendments, page 6, line 14, insert an underscored comma after "misdemeanor"; in lines 14 and 15 strike " , as the case may be, is authorized to" and insert "may"; after line 17 insert:

"Sec. 9. That section 4, Legislative Bill 733, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:"; strike lines 18 and 19 and through the comma in line 20 and insert:

"Sec. 4. When a juvenile court proceeding has been instituted before a county court sitting as a juvenile court, the"; and remove underscoring from the rest of the section.

10. On page 8, strike lines 4 to 9 and amendments thereto and insert:

"Sec. 19. That original sections 29-1816, 29-2204, 43-201, 43-205, 43-206.02, 43-209, 43-215, and 43-218, Reissue Revised Statutes of Nebraska, 1943, sections 43-202, 43-206, 43-206.03, and 43-208, Revised Statutes Supplement, 1972, sections 43-210 and 43-210.01, Revised Statutes Supplement, 1973, and section 4, Legislative Bill 733, Eighty-third Legislature, Second Session, 1974, are repealed."

11. In the title, strike lines 2 to 16 and insert:

"FOR AN ACT to amend sections 29-1816, 29-2204, 43-201, 43-205, 43-206.02, 43-209, 43-215, and 43-218, Reissue Revised Statutes of Nebraska, 1943, sections 43-202, 43-206, 43-206.03, and 43-208, Revised Statutes Supplement, 1972, sections 43-210 and 43-210.01, Revised Statutes Supplement, 1973, and section 4, Legislative Bill 733, Eighty-third Legislature, Second Session, 1974, relating to courts; to redefine terms; to provide constructions; to provide for juvenile court jurisdictions and procedures; to harmonize with other legislation; and to repeal the original sections."

12. In committee amendment, page 11, line 22, strike "43-402" and insert "43-202".

LEGISLATIVE BILL 740. Placed on Select File as amended. E & R amendments to LB 740:

1. Renumber the new section inserted by the committee amendments as section 2.

2. In the Maresch amendment, page 3, line 17, insert an underscored comma after "may".

3. In renumbered section 2, line 9, strike "has" and insert "his" as in the statutes.

4. Strike standing committee amendment 2.

5. Amend renumbered section 3 to read:

"Sec. 3. That original sections 24-710 and 84-1317, Revised Statutes Supplement, 1973, are repealed."

6. In the title, strike lines 2 to 7 and insert:

“FOR AN ACT to amend sections 24-710 and 84-1317, Revised Statutes Supplement, 1973, relating to retirement; to permit an election by certain retired judges; to provide exceptions from mandatory retirement; and to repeal the original sections.”.

LEGISLATIVE BILL 913. Placed on Select File as amended.
E & R amendments to LB 913:

1. On page 2, line 11, insert an underscored comma after “advances”; and in line 17 strike the comma and show as stricken.

2. In the committee amendment, line 2, strike “in the event” and insert “if”.

3. In the title, line 4, insert “except as prescribed” after “advances”.

LEGISLATIVE BILL 1048. Placed on Select File as amended.
E & R amendments to LB 1048:

1. On page 3, line 3, strike “State Building”; in lines 3 and 4 strike “be that division of state government” and insert “mean the state building division”; and in line 14 strike “and” and insert an underscored comma.

2. On page 4, lines 9 and 13, strike “State Building Administrator” and insert “administrator”; and in line 22 strike “State Building Division” and insert “division”.

3. On page 5, line 22, insert “with” after “contact”; and in line 23 strike “with” and insert “of” and strike the comma.

4. On page 6, line 18, strike the comma.

5. On page 7, line 11, strike “State Building Administrator” and insert “administrator”; and in line 19 insert “and” after the comma.

6. In the Marsh amendment 4, lines 3 and 5, strike “37” and insert “34”.

7. On page 8, line 7, strike “State Building Administrator” and insert “administrator”.

8. On page 11, line 12, strike “State Building Administrator” and insert “administrator”.

9. On page 12, lines 2 and 3 and 22 and 23 strike “State Building Administrator” and insert “administrator”.

10. On page 14, line 18, strike “function” and insert “functions”.

11. On page 15, line 6, insert “conformity to federal standards in the” after “(i)”; in line 7 and 8 strike “shall conform to federal standards”; in line 9

strike "State Building Division" and insert "division"; and in line 26 strike "State Building Administrator" and insert "administrator".

12. In new section 13, line 11, strike "State Building Division" and insert "division"; and in lines 13 and 14 and line 19 strike "State Building Administrator" and insert "administrator".

13. On page 16, lines 4 and 5, strike "State Building Administrator" and insert "administrator"; in line 21 strike "Contingency" and insert "Contingency"; and in line 17 strike "the".

14. On page 17, line 1, strike "provisions of"; and in line 2 strike the comma.

15. On page 18, line 6, lines 13 and 14, and line 21, strike "State Building Administrator" and insert "administrator".

16. On page 19, lines 3 and 4, strike "State Building Administrator" and insert "administrator".

17. On page 22, lines 11 and 12 and line 23, strike "State Building Administrator" and insert "administrator".

18. On page 24, line 13, strike "23" and insert "24"; and in line 27 strike "25" and insert "26" and insert an underscored comma after "act".

19. On page 25, line 3, lines 11 and 12, line 17, and lines 23 and 24, strike "State Building Administrator" and insert "administrator"; and in line 5 insert an underscored comma after "Commission".

20. On page 26, line 8, strike "State Building Administrator" and insert "administrator"; in lines 19 and 20 strike "State Building" and show stricken.

21. On page 27, line 2, strike "State Building" and show stricken; and in lines 19 and 22 strike "State Building Administrator" and insert "administrator".

22. On page 28, line 4, insert ", on the operative date of this act,".

23. The building provided for therein having been completed, strike original sections 30 to 32 and amendments thereto and renumber original sections 33 to 43 as sections 31 to 41.

24. On page 32, line 21, strike "buildings" and insert "buildings building".

25. On page 34, line 13, strike "State Building Division" and insert "division".

26. On page 35, line 6, strike "36 to 39" and insert "34 to 37".

27. On page 36, line 25, strike "36 to 39" and insert "34 to 37".

28. The building provided for therein having been completed, strike original section 44 and renumber original sections 45 and 46 as sections 42 and 43.

29. Renumber new section 48 as section 44 and original sections 47 and 48 as sections 45 and 46.

30. Strike the Marsh amendment 12.

31. In the Marsh amendment 11, line 5, insert a comma after "72-701.08".

32. On page 41, line 27, strike "72-718.03,".

33. On page 42, strike line 1 and insert "72-729, 72-730,"; in line 2 strike "81-803.01,"; in line 3 strike "81-1108.09, and 81-1120.08," and insert "and 81-1108.09,"; and in line 6 strike the first "and" and insert "72-718.07, and 81-1120.08," after the first comma.

34. In the title, line 2, insert "72-701.08," after "sections"; in line 4 strike "72-718.03,"; strike line 5 and insert "72-729"; in line 6 strike "81-803.01,"; strike line 8 and insert "81-1108.08, and 81-1108.09,"; in line 11 strike "and" and insert "72-718.07, and 81-1120.08," after the third comma; in line 15 strike "create" and insert "provide for"; and strike beginning with "to" in line 18 through the semicolon in line 20 and insert "to provide an operative date; to provide severability;".

LEGISLATIVE BILL 914. Placed on Select File as amended.
E & R amendments to LB 914:

1. In new section 2, line 2, strike "Nebraska"; in line 3, strike "said" and insert "such"; and in line 9, strike "are" and insert "is".

2. In new section 3, line 9, insert "the" after "and"; and insert an underscored comma after "12".

3. In new section 4, line 5, insert "with" after "beginning".

4. In new section 5, line 7, strike "than" and show as stricken; and in line 10, strike the comma and insert an underscored comma after "cities" and after "villages".

5. In the title, strike beginning with "authorize" in line 3 through the semicolon in line 9 and insert "authorize the board to enter into agreements to provide a grandstand, race track, and related facilities to be located on the Nebraska State Fairgrounds; to create a building fund; to provide an appropriation; to amend sections 72-1401 and 72-1402, Reissue Revised Statutes of Nebraska, 1943;" and in line 10, strike "section" and insert "sections".

LEGISLATIVE BILL 1029. Placed on Select File as amended.
E & R amendments to LB 1029:

1. On page 7, line 3, strike "this act" and insert "sections 81-1501 to 81-1532".
2. On page 18, line 8, insert an underscored comma after "issued".
3. On page 19, line 25, strike the comma and insert "and the"; and insert "the" after "of".
4. On page 23, line 10, insert "subsection (11) of" after "to", and strike "(11)" at the end of the line; and in line 11 strike "the balance" and insert "other provisions".

LEGISLATIVE BILL 969. Placed on Select File as amended.
E & R amendments to LB 969:

1. Add a new section to read as follows:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."
2. In the title, line 5, strike "and"; in line 6, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 895. Placed on Select File as amended.
E & R amendments to LB 895:

1. In new section 1, line 10, strike "the" as in the statutes.
2. Strike committee amendment 2.
3. In the title, strike lines 2 to 7 and insert:
"FOR AN ACT to amend section 84-306.03, Revised Statutes Supplement, 1973, relating to the Auditor of Public Accouts; to increase the mileage allowance for state officers and employees; and to repeal the original section."

LEGISLATIVE BILL 632. Placed on Select File.

LEGISLATIVE BILL 691. Placed on Select File as amended.
E & R amendments to LB 691:

1. In the standing committee amendment, line 3, insert "and show as stricken" before "and".
2. In the title, strike beginning with "to" in line 3 through the semicolon in line 5, and insert "to define net income of cooperative organizations; to provide certain deductions;"

LEGISLATIVE BILL 938. Placed on Select File as amended.
E & R amendments to LB 938:

1. In new section 1, line 4, insert a

comma after "County"; in line 15 insert "and" before "39", and insert a comma after "tracts"; in lines 20 and 29, strike the quotation marks; and in line 37, insert "the" after the second "of".

LEGISLATIVE BILL 845. Placed on Select File as amended.
E & R amendments to LB 845:

1. In the title, strike lines 2 to 6 and insert:
"FOR AN ACT to amend section 8-148.02, Revised Statutes Supplement, 1972, and section 8-152, Revised Statutes Supplement, 1973, relating to banks and banking; to increase the percentage of bank ownership of certain companies; to increase the interest rate for certain first mortgage loans; to designate bonds of the State of Israel as securities; to permit investment in such securities; and to repeal the original sections."

LEGISLATIVE BILL 820. Placed on Select File as amended.
(Amendments printed separate from Journal and on file in Clerk's office)

LEGISLATIVE BILL 863. Placed on Select File as amended.
E & R amendments to LB 863:

1. In new section 3, line 39, strike "(d)" and insert "(e)" as in the statutes.
2. In new section 4, line 9, strike "lamps" and insert "lights".
3. All amendatory matter being stricken therefrom, strike renumbered section 5.
4. In standing committee amendment 2, line 2, strike "lamps" and insert "lights".
5. In standing committee amendment 5, line 3, strike "11" and insert "10".
6. On page 7, line 27, strike the first comma and insert "and", and strike "and 79-488.06,".
7. Renumber original sections 4 and 5 as sections 5 and 6 respectively.
8. In the Warner amendment, at the end of line 4, insert "and show as stricken."
9. In the title, line 2, strike "section" and insert "sections 79-328, 79-488.05, and"; in line 4, strike the first comma and insert "and", and strike "and 79-488.06,"; and strike beginning with "to" in line 7 through the second semicolon in line 8.

LEGISLATIVE BILL 1002. Placed on Select File as amended.

E & R amendment to LB 1002:

1. In the title, strike lines 2 to 11 and insert:
"FOR AN ACT to amend section 19-3501, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first and second class; to provide authority to villages for creation of retirement programs for village employees; and to repeal the original section."

LEGISLATIVE BILL 894. Placed on Select File as amended.

E & R amendments to LB 894:

1. In standing committee amendment 2, line 2, insert an underscored comma after "terraces".
2. In standing committee amendment 3, line 2, strike "this" and insert "the restriction on reimbursement".
3. In the title, line 2, insert "and" after the third comma; and in line 3, strike "and 79-1302,".

LEGISLATIVE BILL 780. Placed on Select File as amended.

E & R amendments to LB 780:

1. On page 3, line 12, strike the first comma; and in line 13, insert a comma after "consideration".
2. In the title, strike lines 2 to 8 and insert:
"FOR AN ACT relating to taxation; to authorize certain counties to impose a sales tax on lodging; to provide definitions; to provide for collection of such tax; and to prescribe the use of the proceeds."
3. On page 4, line 18, strike "visitor" and insert "visitors promotional".

LEGISLATIVE BILL 705. Placed on Select File as amended.

E & R amendments to LB 705:

1. In new section 1, line 27, insert "no" after "~~But~~", as in the statutes.
2. In new section 1, line 30, insert a comma after "education" as in the statutes.
3. In the title, strike lines 2 to 7 and insert:
"FOR AN ACT to amend section 7-102, Reissue Revised Statutes of Nebraska, 1943, relating to attorneys at law; to provide an appeal procedure for individuals denied admission to the bar; to provide that the bar examination questions shall be public record; to provide for individual inspection of bar examination papers; and to repeal the original section, and also section

24-339, Revised Statutes Supplement, 1972,
as amended by Legislative Bill 162, Eighty-
third Legislature, First Session, 1973.”.

LEGISLATIVE BILL 774. Placed on Select File as amended.
E & R amendments to LB 774:

1. On page 3, line 2, strike “nor” and insert
“or”.
2. In lieu of lines 1 to 13 of the Keyes amendment,
on page 2, line 20, insert the following after the period:
“In counties with more than sixty thousand but less than one
hundred thousand inhabitants, the county attorney shall receive
a salary of not less than twenty-seven thousand five hundred
dollars per annum. In counties with more than one hundred
thousand but less than two hundred thousand inhabitants, the
county attorney shall receive a salary of not less than thirty-
two thousand five hundred dollars per annum. The county
attorneys of such counties shall not engage in private practice.
The deputy county attorneys in such counties may engage in
private practice except that they shall not represent any other
political subdivision.”.
3. In the Keyes amendment, strike line 15 and insert:
“Sec. 2. This act shall become operative on
January 1, 1975.”.
4. In the title, insert “to provide an operative
date;” at the end of line 5.

LEGISLATIVE BILL 1040. Placed on Select File as amended.
E & R amendments to LB 1040:

1. On page 7, line 5, strike “Community
Correctional” and insert “Community-Centered”.
2. On page 8, line 1, insert “and” after
the semicolon.
3. On page 9, line 1, strike “Correctional”.
4. In standing committee amendment 7, line 25,
strike “Correctional”; in lines 34 and 35, strike “Cor-
rectional”; in line 41, insert “Adult” after the second
“of”; in lines 65 and 68, strike “Correctional”.
5. In the title, line 7, strike “47-101” to
“47-105,”; in line 8, strike “47-107” to “47-109,”; in
line 9, strike beginning with “47-116” through “47-206,”
in line 11; and in line 13, strike “47-205,”.

LEGISLATIVE BILL 681. Placed on Select File as amended.
E & R amendments to LB 681:

1. Renumber original section 2 as section 3.
2. In the title, line 3, insert after the

second comma: "and section 20-134, Revised Statutes Supplement, 1973,"; and in line 10, strike "section" and insert "sections".

LEGISLATIVE BILL 819. Placed on Select File as amended.
E & R amendments to LB 819:

1. On page 3, strike beginning with the second comma in line 3 through "Nebraska" in line 4.

2. In committee amendments, page 5, line 18, strike "48-901" and insert "84-901".

3. On page 7, line 11, strike "said" and show as stricken.

4. In new section 11, line 8, strike "Nebraska".

5. In the title, line 2, strike "and"; in line 3, insert "and 84-901," after the first comma; and in line 4, strike the second "and", and insert a comma, and insert "and 48-838," before "Revised".

LEGISLATIVE BILL 693. Placed on Select File as amended.
E & R amendments to LB 693:

2 Add a new section 1 to read as follows:

3 "Section 1. That section 23-343.01, Reissue

4 Revised Statutes of Nebraska, 1943, be amended to read as follows:

6 23-343.01. (1) When a county with a population
7 of thirty-six hundred or more and less than two hundred
8 thousand inhabitants or with an assessed valuation of all
9 taxable real and personal property, excluding intangible
10 property, of ten million dollars or more, shall establish
11 such facility or facilities as provided by section
12 23-343, the county board of the county shall proceed at
13 once to appoint a board of trustees. Such board shall
14 consist of three or five members, as fixed by the county
15 board. All members of such board shall be residents of
16 said county. When such board is first established, one
17 member shall be appointed for a term of two years, one
18 for four years, and one for six years from the date they
19 are appointed, if the county board provides for a three
20 member board. Otherwise one additional member shall be
21 appointed for four years and one for six years. When the
22 board is changed to a five member board, the three
23 members who are serving as such trustees at the time of a
24 change from a three member to a five member board shall
25 each complete his respective term of office. The two
1 additional members shall be appointed by the county
2 board, one for a term of four years and one for a term of
3 six years. Thereafter, as their terms expire, members
4 shall be appointed for a term of six years.

5 (2) Not over one member of said board of trustees
6 shall be from the city in which such facility or
7 facilities are located. If such facility or facilities
8 are located outside of the corporate limits of a city,
9 not more than one member shall be appointed from the
10 precinct in which such facility or facilities are
11 located. The said trustees shall, within ten days after
12 their appointment, qualify by taking the oath of county
13 officers and by furnishing a bond in an amount to be
14 fixed by the county board. They shall organize as a
15 board of trustees by the election of one of their number
16 as chairman and one as secretary. The county treasurer
17 of the county in which such facility or facilities are
18 located shall be the treasurer of the board of trustees.
19 He shall receive and pay out all the money under the
20 control of said board as ordered by it but shall receive
21 no compensation from such board.

22 (3) When a member or trustee is absent from three
23 consecutive board meetings either regular or special
24 without being excused by the remaining members of the
25 board, his office shall become vacant, and a new member
26 shall be appointed by the county board to fill the
27 vacancy for the unexpired term of such member as provided
1 by section 23-343.09. Such vacancy shall become
2 effective when the county board shall find that there is
3 such a vacancy or shall fill the same as provided in this
4 subsection.

5 (4) In counties having a population of two
6 hundred thousand inhabitants or more, the county board of
7 such county having such facility or facilities, in lieu
8 of appointing a board of trustees of such facility or
9 facilities, may elect to serve as the board of trustees
10 of such facility or facilities. If the county board
11 makes such election, that county board shall assume all
12 the duties and responsibilities of the board of trustees
13 of such institution. Such election shall be evidenced by
14 the adoption of a resolution by that county board."

15 2. On page 5, line 19, strike "section" and
16 insert "sections 23-343.01 and".

17 3. Renumber sections added by the standing
18 committee amendments as sections 2 and 4, respectively.
19 Renumber original sections 1, 2, and 3, as sections 3, 5,
20 and 6, respectively.

21 4. In the title, strike lines 2 to 6 and insert:
22 "FOR AN ACT to amend sections 23-343.01 and 23-343.14,
23 Reissue Revised Statutes of Nebraska, 1943,
24 and sections 23-343.92 and 23-343.100, Revised

- 25 Statutes Supplement, 1972, relating to
- 26 hospitals; to provide that certain county
- 27 boards may act as boards of trustees for
- 1 certain facilities; to change the interest
- 2 rate on certain warrants; to specify revenue
- 3 sources for payment of bonds; to repeal the
- 4 original sections; and to declare an
- 5 emergency.”.

LEGISLATIVE BILL 1026. Placed on Select File as amended.
E & R amendments to LB 1026:

1. In section 1, lines 14 and 18, strike the period and insert an underscored semicolon; in line 17 insert an underscored comma after “costs”; and in line 21, strike the period and insert “, or”.

2. In section 2, insert a comma at the end of line 3 as in the statutes; and insert an underscored comma after “city” in line 8, “sections” in lines 8 and 15, and “voters” in line 15.

3. In the Snyder amendment to the Snyder amendment 1, insert “and showing as stricken” after “striking” in lines 2 and 5; and insert an underscored period at the end of the new material in lines 5 and 9.

4. In section 4, line 1, insert a comma after “18-119”; and after “18-127”.

5. In the title, strike lines 2 to 4 and insert “FOR AN ACT to amend sections 18-117, 18-119, and 18-127, Reissue Revised Statutes of Nebraska, 1943, relating to initiative and referendum; to provide exemptions; to strike references to counties and school districts; to repeal the original sections; and to declare an emergency.”.

6. In section 3, line 3, strike “or” and insert “, or”.

LEGISLATIVE BILL 677. Placed on Select File as amended.
E & R amendments to LB 677:

1. In the Kelly amendment 1, line 4, insert “into” after “entering”.

2. On page 2, line 15, insert “for” after “candidacy” and insert “nomination or” before “election”.

3. In the title, line 3, insert “of certain candidates” before “shall”.

LEGISLATIVE BILL 651. Placed on Select File as amended.
E & R amendments to LB 651:

1. In section 1, lines 1 and 3, strike “antermeridian” and insert “a.m.”; in line 3 strike “April”

and insert "October"; and in line 4 insert "standard" after "the".

2. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to provide for daylight savings time as prescribed; and to declare an emergency."

LEGISLATIVE BILL 923. Placed on Select File as amended. E & R amendments to LB 923:

1. Renumber original sections 4 to 7 as sections 3 to 6.

2. Insert an underscored period after "dollars" on page 2, line 8, and after "annum" on page 3, line 7.

3. On page 8, line 15, strike "2, and 4" and insert "to 3"; strike the sentence beginning in line 17; in line 19 strike "5" and insert "4"; and strike beginning with "and" in line 23 through the second comma in line 24.

4. In the title, strike beginning with "and" in line 4 through the second comma in line 5.

Correctly Engrossed

The following bills were correctly engrossed: 825, 935, 937, 945, and 982.

(Signed) John J. Cavanaugh, Chairman

MOTION—Suspend Rules

Mr. Marvel moved to pass over Final Reading and go directly to Select File.

Mr. Waldron moved to amend the Marvel motion to go directly to General File. The Chair ruled the Waldron motion out of Order at this time.

The Marvel motion prevailed with 35 ayes, 2 nays and 12 not voting.

SELECT FILE

LEGISLATIVE BILL 1028. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 1054. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1057. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1059. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 934. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1055. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1056. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1058. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1049. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 875. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 875A. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 678. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 920. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 757. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly re-engrossed: 920 and 1028.

The following bills were correctly engrossed: 678, 757, 875, 875A 934, 1049, 1054, 1055, 1056, 1057, 1058, and 1059.

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE BILL 620. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 740. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 913. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1048. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 914. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1029. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 969. E & R amendments found in this day's Journal were adopted.

Mr. DeCamp renewed his amendment found in the Journal on page 1080 for the Forty-third Day.

Mr. Waldron requested a record vote.

Voting in the affirmative, 8:

DeCamp	Duis	Kennedy	Kime	Maresh
Richendifer	Stahmer	Waldron		

Voting in the negative, 26:

Barnett	Burbach	C. Carsten	F. Carstens	Cavanaugh
Clark	Epke	Fellman	Fowler	Goodrich
Keyes	R. Lewis	Luedtke	Mahoney	Marsh
Nore	Rasmussen	Savage	Schmit	Simpson
Skarda	Snyder	Stull	Syas	Warner
Whitney				

Not voting, 15:

Anderson	Carpenter	Chambers	Dickinson	Hasebroock
Johnson	Kelly	Kremer	F. Lewis	Marvel
Moylan	Murphy	Proud	Stromer	Wiltse

The DeCamp amendment lost with 8 ayes, 26 nays and 15 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 895. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 632. Messrs. Marvel and Simpson offered the following amendments:

1. On page 3, line 24 strike the new matter and reinstate the stricken matter; line 27 after the period insert "In addition to the credit allowed under this subdivision there

shall also be allowed an additional food sales tax credit equal to eight dollars multiplied by the number of allowable personal exemptions claimed for individuals who are residents, exclusive of the extra exemptions allowable for age or blindness, to be paid out of the Public School Support Trust Fund."

2. On page 4, line 1 strike "credit" and insert "credit credits"; line 2 strike "~~exceeds~~" and insert "exceeds exceed".

3. Insert a new section 2 to read as follows:

"Sec. 2. That section 18, Legislative Bill 772, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Sec. 18. The payments provided for in this act shall be made from money raised under the provisions of the Nebraska Revenue Act of 1967. Each time the sales and income tax rates are set or adjusted, the State Board of Equalization and Assessment shall certify to the State Treasurer the percentage of the total revenue to be derived therefrom necessary to provide the amount certified each year pursuant to sections 15 and 16 of this act and the food sales tax credit provided in subdivision (3) (a) of section 77-2715 to be paid from the Public School Support Trust Fund. The State Treasurer shall monthly deposit such percentage of monthly receipts to the credit of the Public School Support Trust Fund."

4. On page 5, line 2 strike "1974" and insert "1975"; line 4 strike "is" and insert "and section 18, Legislative Bill 772, Eighty-third Legislature, Second Session, 1974, are"; and renumber original sections 2 and 3 as sections 3 and 4 respectively.

Mr. Burbach offered the following amendment to the Marvel and Simpson amendments:

In the Marvel amendment, line 2, strike "the stricken matter" and insert "thirteen"; in line 5, strike "eight" and insert "five"; in point No. 4, correct to read so that the \$13 becomes effective 1-1-74, and the additional \$5 becomes effective 1-1-75.

Laid over temporarily at the request of Mr. Stahmer.

UNANIMOUS CONSENT—Select File Bills

Mr. Stahmer asked unanimous consent to take up bills on Select File with only E & R amendments. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 691. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 938. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 845. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1002. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 780. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 705. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 819. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 693. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1026. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 923. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE JOURNAL
ATTORNEY GENERAL'S OPINIONOpinion No. 163
April 3, 1974

Dear Senator Fowler:

In your letter of April 1, 1974, you ask us for our opinion as to the constitutional validity of Section 66-423.01, R. S. Supp., 1972, as it is proposed to be amended by L.B. 678. It would be improper for us, at the present time, to answer your specific questions with respect to this section of the statutes. In the first place, we normally presume the constitutional validity of existing statutes and usually decline to render an opinion on their validity.

In the second place the constitutionality of this section, and other sections of the law, are presently being tested in a suit in the District Court of Lancaster County, entitled Beynon v. City of Lincoln. That court issued a memorandum opinion on March 11, 1974, finding various constitutional deficiencies with the sections in question. With respect to Section 66-423.01, the court found that it was special legislation, because it authorized a city of the primary class to issue bonds for the construction of off-street parking facilities, but did not authorize cities of other classes to do so. The court found that the exclusion of cities of the metropolitan class, especially, could not be justified, and that, as a consequence, that section of the statute violated the prohibition of Article III, Section 18 of the Nebraska Constitution against class legislation.

All that L.B. 678 now does is to give cities of the metropolitan class the same rights with respect to the construction of off-street parking facilities as were formerly given only to cities of the primary class. It would appear that this amendment would cure the objection that the District Court had made in this regard to the section in question. As we construe the opinion, the court did not feel that the exclusion of smaller cities from the benefits of the bill would be unconstitutional but only that it was illogical and unreasonable to grant rights to cities of the primary class, and not to more populous cities.

We do not know whether an appeal will be taken from the decision of the District Court in the case we have referred to, but the time for filing a notice of appeal has not yet expired. It would be especially inappropriate for us to comment on the validity of the section in question under these circumstances.

Very truly yours,
CLARENCE A. H. MEYER
Attorney General(Signed) Ralph H. Gillan
Assistant Attorney GeneralRHG:sh
cc: Mr. Vincent D. Brown

RESOLUTIONS
LEGISLATIVE RESOLUTION 154.

Introduced by Kelly, 35th District; Schmit, 23rd District.

WHEREAS, transportation, especially aviation, is essential to this state and the United States; and

WHEREAS, adequate and safe airports are necessary to air transportation; and

WHEREAS, land-use zoning is essential to the continued operation of existing and new public airports; and

WHEREAS, zoning regulations for airports are promulgated and approved by political subdivisions, counties, cities, and villages; and

WHEREAS, some political subdivisions have not enacted or enforced zoning regulations essential to public airports.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

That, the Executive Board of the Legislative Council appoint a committee to:

1. Study and examine the general situation involving zoning ordinances or regulations pertaining to public airports;
2. Consider the need for and authority to enforce zoning regulations in order to assure adequate transportation and future airport development;
3. Study any ancillary subjects relating to public airports; and
4. Submit a report with its recommendations at the conclusion of its study to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 155.

Introduced by Cavanaugh, 9th District; Anderson, 37th District; Barnett, 26th District; Burbach, 19th District; C. Carsten, 2nd District; Chambers, 11th District; DeCamp, 40th District; Dickinson, 31st District; Epke, 24th District; Fellman, 4th District; Goodrich, 20th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Keyes, 3rd District; Kime, 43rd District; Kremer, 34th District; F. Lewis, 45th District; Luedtke, 28th District; Maresch, 32nd District; Marsh, 29th District; Marvel, 33rd District; Moylan, 6th District; Murphy, 17th District; Schmit, 23rd District; Simpson, 46th District; Skarda, 7th District; Snyder, 14th District; Stahmer, 8th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Wiltse, 1st District; Richendifer, 16th District.

WHEREAS, Community Action Programs have played a vital role in the social and economic development of Nebraska communities; and

WHEREAS, the programs of Community Action Agencies have significantly aided in the alleviation of the problems and plights of the aged and poor; and

WHEREAS, the Community Action Agency objectives of self development and self determination emphasize the characteristics which have made Nebraska great.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of this Legislature, in honor of the tenth anniversary of Community Action Programs hereby commend and pay tribute to our Nebraska Community Action Agencies and encourage the federal legislative bodies to give due consideration to measures to insure the continuation of the efforts of community action, and

2. That the Clerk of the Legislature is directed to send copies of this resolution to Mr. Jim Crisp, Chairman of the Association of Nebraska Community Action Agencies, Fairbury, Nebraska and Mr. Larry Lassek, Chairman of the Nebraska Affiliate of the National Association for Community Development, Walthill, Nebraska.

LEGISLATIVE BILL 156.

Introduced by Cavanaugh, 9th District.

WHEREAS, sanitary and improvement districts affect the economy, public health, convenience and well-being; and

WHEREAS, proper formation, control, and operation of sanitary and improvement districts is necessary and important to the owners of property in the districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislature direct the Miscellaneous Subjects Committee to conduct interim studies and investigations of all aspects of formation, election, control, and operation of existing sanitary and improvement districts in the state with the purpose of determining whether the public is being adequately and properly served by the districts.

2. That the committee report its findings and recommendations to the Eighty-fourth Legislature, First Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 157.

Introduced by Marvel, 33rd District; Simpson, 46th District.

WHEREAS, the provision of human services is among the principal purposes of state government; and

WHEREAS, human service agencies receive significant state fund appropriations; and

WHEREAS, the several agencies in this state providing human services are fragmented, uncoordinated, and lack defined patterns of accountability; and

WHEREAS, the human service agencies' budgets continue to climb with little evidence that fundamental improvement is being achieved; and

WHEREAS, several agencies are providing services to the same individual which suggests a lack of efficiency and costly duplication; and

WHEREAS, the system of referral is often used to bypass those individuals whose needs are difficult to meet, while agencies often may compete for the individual whose needs are easily met; and

WHEREAS, the provision of services to all eligible persons requesting services must be the primary emphasis of the human service agencies; and

WHEREAS, the human service agencies do not have compatible rules, regulations, and standards; and

WHEREAS, the state of Nebraska does not have a single philosophy or state plan for the provision of human services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature request the Governor to investigate the responsibilities and relationships of all agencies dealing with human services.

2. That the Legislature request the Governor to investigate the feasibility of a single integrated human resource system.

3. That the Legislature request the Governor to provide a unified state plan for the provision of human services in the State of Nebraska to the Eighty-fourth Legislature of Nebraska, First Session.

4. That the Legislature request the Governor to provide leadership and exercise executive power to reorganize human resource agencies in order to insure the coordination and cooperation of such agencies in providing services to the citizens of the State of Nebraska.

LEGISLATIVE RESOLUTION 158.

Introduced by Marvel, 33rd District; Simpson, 46th District.

WHEREAS, the citizens of the State of Nebraska and the various governmental units have historically supported and approved the principle that all persons should have available to them quality education through a public school system; and

WHEREAS, the State of Nebraska through General Fund appropriations is expending a substantial sum of money to school systems in order to provide (1) a higher standard of education (2) a broad spectrum of educational services including special education for the handicapped (3) a comprehensive system of post-secondary education, both academic and vocational, and (4) local property taxation relief; and

WHEREAS, the Legislature has enacted legislation relative to school

aid which has the affect of transferring a significant portion of the costs of public education and special education from property taxes to the state sales and income taxes; and

WHEREAS, there has been a great deal of confusing and misleading information disseminated about the benefits to be received from such legislation; and

WHEREAS, the resulting increase in the sales tax may place an unfair burden on low-income citizens who pay sales taxes on food; and

WHEREAS, the citizens of the State of Nebraska should be provided an opportunity to express their opinions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council appoint a committee to conduct hearings throughout the state in order to solicit citizen participation and reaction to the manner state aid to education is provided.

2. That such committee report its findings and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORT

LEGISLATIVE BILL 1050. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

SELECT FILE

LEGISLATIVE BILL 820. E & R amendments found in this day's Journal were adopted.

Mr. Burbach offered the following amendments:

1. On page 5, line 26 after "include" insert " , but not be limited to, "; line 27 after "transaction" insert "or scraps or sells as salvage in a single or series of transactions any such property previously productively used by such seller as a depreciable capital asset in his trade, business, utility, or agriculture for more than one year and such equipment item sold was either originally acquired prior to June 1, 1967, or, if acquired thereafter, the seller directly or indirectly has previously paid a sales or use tax thereon; or is the subject of any inter-company sale involving any parent, subsidiary, or brother-sister company relationship under subsection (5) of section 77-2704, and such property sold was either originally acquired prior to June 1, 1967, or, if acquired thereafter, the seller directly or indirectly has previously paid a sales or use tax thereon".

2. Add a new section 3 to read as follows:

"Sec. 3. If any section in this act or any part or any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof."

3. Add a new section to read as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

4. Renumber renumbered section 3 as section 4.

The amendments were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 863. E & R amendments found in this day's Journal were adopted.

Mr. Stahmer offered the following amendments:

Add the following new sections:

Sec. 1. That section 43-604, Revised Statutes Supplement, 1973, be amended to read as follows:

43-604. (1) Special education shall mean the provision of educational experiences and services through the use of special facilities and special adaptive classrooms, or either of the same, to provide special instruction to handicapped children.

(2) Handicapped children shall mean either physically handicapped, educable mentally handicapped, mentally retarded, emotionally disturbed children, children with specific learning disabilities, or such other children as shall be defined by the State Department of Education.

(3) Physically handicapped children shall mean children (a) who are residents of Nebraska, (b) who are below the age of nineteen ~~twenty-one~~ years, (c) who are crippled, visually handicapped, acoustically handicapped, defective in speech, cardiopathic, tubercular, cerebral palsied, orthopedically handicapped, or otherwise physically handicapped, and (d) who, by reason of their physical defects, are unable to attend regular public school classes, are not physically adapted to hold full-time membership in regular school facilities, or who, in order to profit from regular school instruction, need facilities and procedure not available in the regular public school classes attended by physically normal children. Such definition shall include the physically handicapped child with mental retardation if,

in the opinion of the examining physician, educational psychologist, psychologist, or psychiatrist, the child's condition can be improved materially by education and treatment.

(4) Educable mentally handicapped shall mean children of school age who, because of retarded intellectual development as determined by individual psychological examination and deficiencies in social adjustment, require additional supportive services in order to function profitably within regular educational programming.

(5) Emotionally disturbed shall mean children with behavioral disorders variously designated as neurotic, psychotic, or character disordered, and whose disabilities may manifest themselves in school accomplishment, social relationships or feelings of self adequacy and may result both from experience or biological limitations.

(6) Orthopedically handicapped children shall mean those whose locomotion, mobility, or use of limbs are impaired by crippling because of (a) congenital anomaly, (b) birth injury, (c) trauma, (d) tumor, (e) infection, (f) disease, or (g) other conditions such as fragile bones or cardiac impairment.

~~(7) Specific learning disability children shall mean those children who manifest an educationally significant discrepancy between their estimated intellectual potential and their actual level of performance in one or more of the processes of language, perception, reading, spelling, arithmetic or writing, which may or may not be accompanied by demonstrable central nervous system dysfunctions or behavioral disturbances. Such term shall not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, of environmental disadvantage or other problems otherwise provided for in this section.~~ Specific learning disability children shall mean those children of school age who have a verified disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in an inability to listen, think, speak, write, spell, or do mathematical calculations. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or emotional disturbance, or of educational disadvantage.

(8) A mentally retarded child shall mean a child who would benefit from training or education in the areas of self-care, social adjustment to his immediate surroundings, and vocationally-related activities which will contribute to his economic usefulness in the home or

Sec. 2. That section 43-625, Revised Statutes Supplement, 1973, be amended to read as follows:

43-625. The State Board of Education shall review special training and educational programs for mentally retarded children offered by or in conjunction with any public school district, combination of public school district, educational service unit, or combination of educational service units subject to the following:

(1) The teacher or teachers in any such special program shall be qualified; ~~in the training and education of mentally retarded children;~~

(2) All other personnel, to be known as teacher aides, working with any such program, shall have such qualifications as the governing body of the school shall prescribe and shall participate for not less than three days in each school year in in-training-in-service activities ~~specifically designed and made available~~ approved through the State Department of Education; and

(3) Each qualified teacher shall be responsible for the direct supervision of not more than two teacher aides, whose duties shall be limited to those prescribed in section 79-1233.

As used in this section, qualified teacher shall mean an individual holding a valid State of Nebraska teaching certificate with an endorsement for the teaching of the ~~trainable~~ mentally retarded. in a specialized situation providing for activities such as sheltered work experience and a supervised living environment.

(9) Multihandicapped children shall mean children who have two or more coincidental and educationally significant physical or psychological handicaps or both physical and psychological handicaps. This includes physically handicapped children with mental retardation if, in the opinion of the examining physician and psychologist, the child's condition can be improved materially by education and treatment.

Sec. 3. That section 43-647, Revised Statutes Supplement, 1973, be amended to read as follows:

43-647. Each school district shall pay an amount equal to the average per pupil cost of the servicing

agency of the preceding year to the agency providing the educational program for every child who is a resident of the district and attending an educational program outside the school district, including programs operated by the State Department of Education, the Department of Public Institutions, and any other servicing agency whose programs are approved by the State Department of Education. The provisions of this section shall become operative on July 1, 1974.

Sec. 4. Emergency Clause.

Sec. 5. That section 43-654, Revised Statutes Supplement, 1973, be amended to read as follows:

43-654. There is hereby created the Nebraska Coordinating Council for the Handicapped, hereinafter referred to as the council, for the purpose of coordinating programs for the handicapped, including children from birth. The council shall maintain a directory of services available for the handicapped in the State of Nebraska; distribute information to parents, doctors, and other persons concerning such services; initiate coordinated planning by and between the agencies and departments of the state, private associations, organizations, and corporations for the handicapped; maintain records and information concerning handicapping conditions and the handicapped in Nebraska; and make recommendations to the public and private agencies working with the handicapped concerning needs for additional services or areas in which coordination of services may benefit the handicapped. The council shall consist of the following official voting members:

(1) From the Department of Public Welfare, the Director of Social Services or his designated representative, the Director of Medical Services or his designated representative, and the Director of Services for Crippled Children or his designated representative;

(2) From the Department of Public Institutions, the Director of Medical Services or his designated representative, the Director of Mental Retardation or his designated representative, the Director of Rehabilitative Services for Visually Impaired or his designated representative, and the Director of the Beatrice State Home or his designated representative;

(3) From the Department of Education, the Director of Special Education or his designated representative, the Director of Vocational Rehabilitation or his designated representative, the Superintendent of the Nebraska School for the Deaf or his designated

representative, the Superintendent of the Nebraska School for Visually Handicapped or his designated representative, and the administrator of the Nebraska School for Trainable Children; and

(4) From the Department of Health, the Director of Maternal and Child Health or his designated representative.

The council may appoint ex officio, nonvoting members to represent private associations, organizations, or corporations for the handicapped. Any private association, organization, or corporation representing the handicapped may request that it be represented on the council and upon receiving such request the council shall appoint a member of such association, organization, or corporation to serve as ex officio, nonvoting member to the council."

Sec. 6. That section 79-329, Revised Statutes Supplement, 1972, be amended to read as follows:

79-329. The State Board of Education shall have authority (1) to provide for the education of and approve special educational facilities and programs provided in the public schools for ~~physically handicapped children, other than the deaf and visually handicapped,~~ (2) to act as the state's authority for the approval of all types of veterans educational programs, financially supported in whole or in part by the federal government, (3) to supervise and administer any educational or training program ~~for persons under twenty-one years of age~~ which may hereafter be established within the state by the federal government, except higher education in approved colleges, (4) to coordinate educational activities in the state that pertain to elementary and secondary education, and such other educational programs as are placed by statute under the jurisdiction of the board, (5) to receive and distribute according to law any money, commodities, goods, or services made available to the board from the state or federal government or from any other source, (6) to publish, from time to time, directories of schools and educators, pamphlets, courses of study, handbooks on school constitution and other matters of interest to educators and similar publications, which publications may be distributed without charge to schools and school officials within this state or may be sold at a price not less than the actual cost of printing with the proceeds of such sale being transmitted to the State Treasurer and by him deposited in the state treasury to the credit of the General Fund, and to furnish eight copies thereof to the

Nebraska Publications Clearinghouse, and (7) when necessary for the proper administration of the functions of the department and with the approval of the Governor, to rent or lease space outside the State Capitol."

Sec. 7. That section 79-1903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1903. All the residents of this state who are acoustically handicapped to such an extent that they cannot acquire an education in the public schools of this state, and who are of suitable age and capacity, and of good moral character, shall be entitled to an education in the Nebraska School for the Deaf without charge except as provided by section 43-647.

Sec. 8. That section 79-2003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2003. The State Department of Education shall be responsible for the education and welfare of all persons visually handicapped to such an extent that they cannot acquire an education in the public schools of the state and who are not otherwise provided for, and who are of suitable age and capacity, and of good moral character without charge except as provided by section 43-647."

"Sec. 9. That sec. 43-642 be amended to read as follows: "The special education programs may be provided by any school district, by contracting with another school district, or by some combination of educational service units, the local or regional office of mental retardation, any program operated or approved by the State of Nebraska, or any combination thereof. Any office of mental retardation program receiving funds under the provisions of this act shall not use such funds to match state funds under the provisions of other programs. The members of the board of education of any school districts not offering special education programs acceptable to the State Board of Education on or before October 1, 1976, and continuously thereafter, shall be in violation of the law. No state funds shall be paid to any school district, as long as such violation exists. On September 15, 1976, and on September 15 of each succeeding year, the Commissioner of Education shall present to the State Board of Education, the Attorney General, the Department of Administrative Services, the State Treasurer, and the Executive Board of the Legislative Council, a list of all school districts not providing or contracting for approved programs.' "

The amendments were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 894. E & R amendments found in this day's Journal were adopted.

Mr. Whitney offered the following amendments:

(No. 1) Strike the new matter and reinstate the stricken matter of Sec. 3 of L. B. 894.

(No. 2) Strike the new matter in Sec. 6 of L. B. 894.

The Whitney amendment No. 1 was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Whitney moved for a Call of the House.

The motion prevailed with 17 ayes, 11 nays and 21 not voting.

The Call showed 43 members present.

Mr. R. Lewis moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Whitney amendment No. 2 was adopted with 25 ayes, 10 nays and 14 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 159.

Introduced by Warner, 25th District.

WHEREAS, a number of state agencies currently perform inspection functions; and

WHEREAS, the qualifications for inspection personnel among agencies with inspection responsibilities varies; and

WHEREAS, the methods used by inspectors and the application of rules and standards by agencies with similar inspection functions may vary; and

WHEREAS, there presently is a lack of coordination between agencies with inspection functions; and

WHEREAS, many persons and businesses experience near duplication in the inspection functions; and

WHEREAS, there is a lack of uniformity in the manner, scope, nature, and frequency of inspections; and

WHEREAS, a single state agency responsible for all inspections does not exist.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That the Legislature of the State of Nebraska establish an interim study committee to undertake a study of the inspection function currently performed by state agencies.

2. That the Governor appoint at least three and not more than five persons, other than legislators, as members of the committee.

3. That the committee on or before December 1, 1974, submit a report of its findings and recommendations for the consolidation of such inspection functions and present any proposed legislation for the reorganization of state agencies pursuant to such report to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 160.

Introduced by Labor Committee: Maresh, 32nd District, Chairman; Kelly, 35th District; Dickinson, 31st District; Cavanaugh, 9th District, Kime, 43rd District; F. Carstens, 30th District; Kennedy, 21st District.

WHEREAS, the Legislature has dedicated itself to enhancing the working conditions of state employees; and

WHEREAS, the Legislature has recently increased state employee vacation benefits; and

WHEREAS, the Legislature has increased state employee sick leave benefits; and

WHEREAS, the Legislature has established a state employee pay plan; and

WHEREAS, the Legislature has established health and life insurance programs for state employees; and

WHEREAS, the Legislature has established the State Department of Personnel with expanding duties in each of such areas; and

WHEREAS, communication between an employee and his supervisor is of utmost importance and may serve to alleviate potential personnel problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Labor Committee of the Nebraska Legislature conduct hearings to take testimony from the Department of Personnel, the personnel divisions of major state agencies, and any state employee to determine if the transmission of state or agency policy information to the employee and the communication back from the employee to the supervisor could be improved

2. That the committee at the conclusion of its study make a report of its findings, together with any recommendations, to the Legislature.

Referred to the Executive Board.

VISITORS

President Marsh introduced 37 members of the Kountze Memorial Church Youth Group and their teacher, from Omaha, Nebraska; 75 High School Students and their teachers, from Catholic Central, West Point, Nebraska; 30 Fourth grade students and their teachers from Brownell School, Lincoln, Nebraska.

RECESS

At 12:01 p.m., on a motion by Mr. Syas, the Legislature recessed until 1:15 p.m.

AFTER RECESS

The Legislature reconvened at 1:15 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Carpenter, Kremer, Johnson and Proud who were excused, and Mr. Epke who was absent until 2:20 p.m.

MOTION—Suspend Rules

Mr. Richendifer moved to suspend the rules to limit debate per each bill to three minutes on Select File. The motion lost with 11 ayes, 12 nays and 26 not voting.

SELECT FILE

LEGISLATIVE BILL 894. Mr. DeCamp offered the following amendment:

Reinstate the matter stricken by the Whitney amendments to Sec. 6.

1) Add a new section as follows:

"Sec. ____ . There is hereby appropriated \$650,000 General Funds for the period of July 1, 1974, to June 30, 1975, to Agency 32, Board of Educational Lands and Funds, Program 339, Irrigation and Conservation Development, to the Land Improvement Fund, which fund is hereby appropriated, for the purpose of carrying out the provisions of this act.

Mr. Wiltse moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay and 22 not voting.

The DeCamp amendment was adopted with 25 ayes, 8 nays and 16 not voting.

Advanced to E & R for Engrossment with 25 ayes, 13 nays and 11 not voting.

LEGISLATIVE BILL 302. Mr. Marvel asked unanimous consent to withdraw his pending amendments found in the Journal on page 1088 for the Forty-third Day. No objections. So ordered.

Mr. Schmit offered the following amendment:

Amendments to LB 302

1. On page 1, lines 4 and 12 strike "This" and insert "Sections 1 to 14 of this"; in line 12 strike "is" and insert "are"; and in line 24 after "in" insert "sections 1 to 14 of".

2. On page 2, lines 5 and 10 after "of" insert "sections 1 to 14 of".

3. On page 4, lines 2 and 15 after "of" insert "sections 1 to 14 of".

4. On page 5, lines 2 and 15, after "of" insert "sections 1 to 14 of".

5. On page 8, lines 22 and 27 after "of" insert "sections 1 to 14 of".

6. On page 9, lines 12 and 16 after "of" insert "sections 1 to 14 of".

7. On page 10, lines 4 and 17 after "of" insert "sections 1 to 14 of"; after line 20 insert two new sections to read as follows:

"Sec. 15. That section 83-1,143.06, Revised Statutes Supplement, 1973, be amended to read as follows:

83-1,143.06. There are hereby created six mental retardation regions in the state. Each region shall consist of the following counties:

Region 1 shall consist of Sioux, Dawes, Sheridan, Box Butte, Scotts Bluff, Morrill, Garden, Kimball, Banner, Cheyenne, and Deuel counties;

Region 2 shall consist of Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, and Red Willow counties;

Region 3 shall consist of Blain, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Merrick, Buffalo, Hall, Hamilton, Phelps, Kearney, Adams, Clay, Furnas, Harlan, Franklin, Webster, and Nuckolls counties;

Region 4 shall consist of Cherry, Keya Paha, Boyd, Brown, Rock, Holt, Knox, Cedar, Dixon, Antelope, Pierce, Wayne, Dakota, Thurston, Madison, Stanton, Cuming, Burt, Boone, Platte, Colfax, and Nance, ~~Polk, and Butler~~ counties;

Region 5 shall consist of Saunders, York, Seward, Lancaster, Otoe, Polk, Butler, Fillmore, Saline, Gage, Johnson, Nemaha, Thayer, Jefferson, Pawnee, and Richardson counties; and

Region 6 shall consist of Dodge, Washington, Douglas, Sarpy, and Cass counties.

Sec. 16. As of the effective date of this act any developmentally disabled individual attending any existing regional program may continue to do so and actual costs shall be contracted and paid by the regions involved. Any developmentally disabled individual desiring to change to another region may do so with the approval of the regional directors from the region delivering the service and the region contracting for the service. Any such change shall be subject to contract and payment by the regions involved. Payment shall be based upon actual cost for the provision of the service or services exclusive of other available funds which may be utilized to support the cost of services to the individual."; after line 22 insert a new section to read as follows:

"Sec. 18. That original section 83-1,143.06, Revised Statutes Supplement, 1973, is repealed."

8. Renumber original sections 15 and 16 as sections 17 and 19 respectively.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Messrs. Stahmer, Whitney and Nore offered the following amendments:

Amendments to the Standing Committee Amendments

Section 1, line 12, on page 1 following "Institutions" add in the same sentence:

"subject to the requirements of Section 3 (7) of this Act."

Section 2 (3), line 13, page 2 strike the second "and" and insert "or".

Section 2 (6), line 24, page 2 strike all of lines 24 to and including line 27.

Section 2 (6), line 1, page 3 strike "and alcoholism programs.", and insert "(6) There shall be six mental health regions."

Between lines 24 and 25 on page 3, add the following

"(7) Service agency shall mean any public or private agency or organization which delivers any of the services defined in subsection (3) of this section and which receives funds under the provisions of this act.

Section 4, line 24, page 5 strike the sentence beginning "Such board..." and insert:

"Such board shall contract with any public agency, or approved private agency or approved individual presently providing those services specified in subdivision (3) of Section 2 of this act subject to the minimum standards adopted under Section 3 of this act."

Section 4, line 14, page 6 strike "center" and insert "services program".

Section 6, line 5, page 7 strike "paid by" and insert "requested of".

Section 6 (7), line 6, page 7 strike subsection (7) and insert:

“(7) appoint an advisory committee which is representative of all counties in the region and which shall include one or more members of the governing board; one or more mental health professionals; one or more mental health employee representatives; one or more representatives of mental health organizations or associations and a majority of consumers who do not receive more than 1/10th of their income from the provisions of mental health care.”

“(8) consult with the appointed advisory committee on the planning, organization, contracting, provision, evaluation, and fiscal analysis of the mental health services in the region. The regional advisory committee shall meet on a quarterly basis.

Members shall be reimbursed for actual and necessary expenses incurred in carrying out their duties.”

Section 8, line 26, page 7 strike the sentence beginning “The committee” and insert:

“The State Citizens Advisory Committee shall consult with the Director on the statewide plan; minimum standards; equitable provision of mental health services, including program priorities; encouragement of research; statewide fee schedules and general fiscal analysis; and other matters as necessary to insure the implementation of Section 1 of this Act.”

Section 8, line 3, page 8 strike the sentence beginning “such assistance. . .” and insert:

“The State Citizens Advisory Committee shall consist of one member of each regional governing board as appointed by that board and one consumer from each regional mental health advisory committee as nominated by that committee and appointed by that regional governing board.

Section 9, line 16, page 8 strike all of line 16 through the second comma in line 17.

Section 12, line 2, page 10 strike “governing board” and insert “service agency.”

Section 13, line 8, page 10 insert before the word “regional”; “state,”

Section 13, line 8, page 10, add after “level” “subject to the minimum standards developed under Section 3 of this act.”

Section 14, line 20, page 10 add after “and services.”

“No services covered under this act may be denied residents of Nebraska due to inability to pay scheduled fees.”

The amendments were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 782. Mr. Fellman moved to re-advance LB 782 to Final Reading.

Mr. Skarda moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The Fellman motion to re-advance LB 782 to Final Reading prevailed with 26 ayes, 11 nays and 12 not voting.

LEGISLATIVE BILL 774. E & R amendments found in this day's Journal were adopted.

Mr. Mahoney moved to indefinitely postpone.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Mr. Mahoney moved for a Call of the House. The motion prevailed with 21 ayes, 5 nays and 23 not voting.

The Call showed 43 members present.

Mr. Goodrich moved the Call be raised. The motion prevailed with 19 ayes, 6 nays and 24 not voting.

The Mahoney motion to indefinitely postpone lost with 20 ayes, 18 nays and 11 not voting.

Mr. Simpson offered the following amendment:
Strike all new matter after "subdivision" on line 6.

Mr. F. Carstens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The Simpson amendment lost with 15 ayes, 14 nays and 20 not voting.

Mr. Cavanaugh offered the following amendment:

1. In the Keyes amendment, line 2 strike "one" and insert "two"; line 4 strike "twenty-seven" and insert "thirty-two"; in line 7 strike "In" and strike lines 8 to 13.

Mr. Cavanaugh moved for a Call of the House. The motion lost with 14 ayes, 18 nays and 17 not voting.

The Cavanaugh amendment lost with 15 ayes, 14 nays and 20 not voting.

Mr. Murphy offered the following amendment:

(1) Strike wording, "Such" through "Board"

(2) Page 3 - Line 8, Substitute such full time county attorney shall receive an annual salary, to be set by the county board, of not less than \$20,000.00.

The amendment was adopted with 27 ayes, 8 nays and 14 not voting.

Mr. Cavanaugh offered the following amendment:

Line 4, strike "The Deputy"

Strike Line 5,

Strike Line 6 up to "In"

Line 10 Strike "Though his"

Strike 11 and 12.

The amendment lost with 6 ayes, 24 nays and 19 not voting.

Mr. Skarda moved to indefinitely postpone.

The motion lost with 14 ayes, 19 nays and 16 not voting.

Mr. Stromer moved to advance to E & R for Engrossment.

Mr. Stromer moved for a Call of the House. The motion prevailed with 21 ayes, 13 nays and 15 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 31 ayes, 2 nays and 16 not voting.

LB 774 was advanced to E & R for Engrossment with 25 ayes, 12 nays and 12 not voting.

MOTION—Final Adjournment Plan

Mr. Marvel moved that following our adjournment today, we next meet on Wednesday, April 10, for the 58th day; on Thursday, April 11, for the 59th day; and we adjourn until Thursday, April 18, for the 60th day.

The motion lost with 18 ayes, 24 nays and 7 not voting.

Mr. Mahoney moved that when we adjourn today we adjourn until 9:00 a.m. tomorrow morning.

The motion prevailed with 25 ayes, 17 nays and 7 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1048. Replaced on Select File as amended.
E & R amendments to LB 1048:

1. In E & R 22, line 2, insert "before 'to' "
before the period.
2. Renumber original sections 13 to 29 as
sections 14 to 30.
3. On page 8, line 6, strike "a" and insert
"a an".
4. On page 14, line 1, strike "State Building
Administrator" and insert "administrator".
5. On page 17, line 1, strike "14" and insert
"15".
6. On page 21, line 9, strike "16" and insert
"17".
7. In line 3 of E & R 34, insert a comma after
"72-729".

LEGISLATIVE BILL 820. Replaced on Select File as amended.
E & R amendments to LB 820:

1. In the Burbach amendment 1 adopted 4/8,
line 3, insert "transaction" after "single"; in line 6, strike
"equipment item sold" and insert "property"; in line 8 strike the
semicolon and insert an underscored comma; and in line 11 strike
"sold".
2. Insert the new section 3 added by the Burbach
amendment 2, adopted 4/8, as section 7 and in line 1 thereof
strike "or" and insert "of"; and renumber sections 7 and 8
as sections 8 and 9.
3. Strike the Burbach amendments 3 and 4 adopted
4/8.
4. In the title, as amended, line 10, insert
"to provide severability;" after the semicolon.

Correctly Engrossed

The following bills were correctly engrossed: 620, 691, 693, 705, 740,
780, 819, 845, 895, 913, 914, 923, 938, 969, 1002, 1026, and 1029.

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE BILL 1048. E & R amendments found in this day's
Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 820. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 820 and 1048.

(Signed) John J. Cavanaugh, Chairman

EXPLANATION OF VOTE

Had I been present, I would have voted ~~no~~ on the Schmit amendment to 302.

(Signed) Richard Lewis

MOTION—Adjournment

Mr. Wiltse moved to adjourn until 9:00 a.m., Wednesday, April 10, 1974.

The motion lost with 14 ayes, 24 nays and 11 not voting.

SELECT FILE

LEGISLATIVE BILL 632. Mr. Burbach renewed his pending amendment found in this day's Journal to the Marvel-Simpson amendment.

Mr. Burbach moved for a Call of the House. The motion prevailed with 21 ayes, 20 nays and 8 not voting.

Mr. Warner requested a roll call vote.

Voting in the affirmative, 24:

Barnett	Burbach	C. Carsten	F. Carstens	Chambers
Clark	Dickinson	Duis	Epke	Kelly
Kime	F. Lewis	Luedtke	Marsh	Marvel
Moylan	Murphy	Rasmussen	Schmit	Simpson
Snyder	Stromer	Stull	Warner	

Voting in the negative, 20:

Anderson	Cavanaugh	DeCamp	Fellman	Fowler
Goodrich	Hasebroock	Kennedy	Keyes	R. Lewis
Mahoney	Maresh	Nore	Richendifer	Savage
Skarda	Stahmer	Syas	Whitney	Wiltse

Not voting, 5:

Carpenter	Johnson	Kremer	Proud	Waldron
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The Burbach amendment lost with 24 ayes, 20 nays and 5 not voting.

Mr. Keyes moved the Call be raised. The motion prevailed with 38 ayes, 0 nays and 11 not voting.

Messrs. C. Carsten and Kennedy asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Whitney offered the following amendment to the Marvel pending amendment.

1. In the Marvel amendment 1 to L.B. 632, lines 1 and 2 strike "line 24 strike the new matter and reinstate the stricken matter;" line 5 strike "eight" and insert "five"; after "dollars" insert "to be paid out of the General Fund, which refund shall be allowed for all taxable years commencing on or after January 1, 1975;"; line 7 after "blindness" insert an underscored period and strike the remainder of the line; strike line 8.

2. Strike Marvel amendments 2, 3, and 4.

Mr. Richendifer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays and 21 not voting.

Mr. Whitney moved for a Call of the House. The motion prevailed with 20 ayes, 14 nays and 15 not voting.

Mr. Nore moved the Call be raised. The motion prevailed.

Mr. Whitney requested a roll call vote.

Voting in the affirmative, 24:

Anderson	F. Carstens	Cavanaugh	Chambers	DeCamp
Fellman	Fowler	Goodrich	Hasebroock	Kelly
Keyes	Kime	F. Lewis	Mahoney	Maresh
Moylan	Richendifer	Savage	Skarda	Stahmer
Stromer	Syas	Whitney	Wiltse	

Voting in the negative, 17:

Barnett	Burbach	Clark	Dickinson	Epke
R. Lewis	Luedtke	Marsh	Marvel	Murphy
Nore	Rasmussen	Schmit	Simpson	Snyder
Stull	Warner			

Not voting, 8:

Carpenter	C. Carsten	Duis	Johnson	Kennedy
Kremer	Proud	Waldron		

The Whitney amendment lost with 24 ayes, 17 nays and 8 not voting.

Mr. Skarda moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 2 nays and 15 not voting.

Mr. Syas requested a record vote on the Marvel pending amendment found in this day's Journal.

Voting in the affirmative, 16:

Barnett	F. Carstens	Clark	Dickinson	Duis
Kelly	Luedtke	Marsh	Marvel	Murphy
Schmit	Simpson	Snyder	Stromer	Stull
Warner				

Voting in the negative, 25:

Anderson	Burbach	Cavanaugh	DeCamp	Epke
Fellman	Fowler	Goodrich	Hasebroock	Keyes
Kime	F. Lewis	R. Lewis	Mahoney	Maresh
Moylan	Nore	Rasmussen	Richendifer	Savage
Skarda	Stahmer	Syas	Whitney	Wiltse

Not voting, 8:

Carpenter	C. Carsten	Chambers	Johnson	Kennedy
Kremer	Proud	Waldron		

The Marvel amendment lost with 16 ayes, 25 nays and 8 not voting.

MOTION—Adjournment

Mr. Syas moved to adjourn until 9:00 a.m., Tuesday, April 9. The motion lost with 15 ayes, 24 nays and 10 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Wiltse asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 632. Mr. Warner offered the following amendment:

1. On page 5, line 1, strike "This" and insert "Sections 1 and 3 of this"; after line 4 insert a new section 4 as follows:

"Sec. 4. That sections 77-27,142 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, are repealed. This section shall become operative on January 1, 1974."

Mr. Skarda requested a roll call vote.

Mr. Barnett requested to start at the end of the alphabet on the roll call.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 19 nays and 15 not voting.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 19 nays and 20 not voting.

Mr. Stahmer offered the following amendment to the Warner amendment: That for the Fiscal Year 1975-76 and 1976-77 that the State Sales tax does not exceed 2 cents, other statutes notwithstanding. Amendments pending.

VISITORS

President Marsh introduced 8 Future Homemaker students from Franklin High School and their sponsor.

ADJOURNMENT

Mr. DeCamp moved to adjourn until 9:00 a.m. The motion prevailed with 22 ayes, 17 nays and 10 not voting and at 6:11 p.m., the Legislature adjourned until 9:00 a.m., Tuesday, April 9, 1974.

Vincent D. Brown
Clerk of the Legislature

FIFTY-EIGHTH DAY—APRIL 9, 1974

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
SECOND SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 9, 1974

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Marsh presiding.

PRAYER

The Prayer was offered by the Chaplain.

Our Father, as we near the end of this session, we review the record of its accomplishments. If we should become satisfied with ourselves, hold ever before us thy demands of perfection. Lest we become content with a good batting average, let us see the absolutes of honesty, of love, and of obedience to Thy will. Seeing them, may we strive after them by Thy help. Through Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Proud and Waldron who were excused and Mr. Moylan who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1516, line 34, insert "Re-" before "Engrossment".

Page 1523, line 2, insert "RESOLUTIONS".

The Journal for the Fifty-seventh Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Speaker Proud asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Hasebroock and Warner asked unanimous consent to be excused at 10:15 a.m. this morning. No objections. So ordered.

REPORT OF EMPLOYEES

During the month of March, 1974, there were 156 full and part-time employees being paid from Fund 1025, Program 121, Legislative Session Services. The total payroll for the month was \$61,393.43, of which \$589.79 was overtime. The total figure includes the State's share of OASI and retirement and insurance contributions.

Detailed information is on file in the Accounting and Budgeting office of the Legislative Council.

RESOLUTIONS**LEGISLATIVE RESOLUTION 161.**

Introduced by Appropriations Committee: Marvel, 33rd District, Chairman; Stahmer, 8th District; Clark, 47th District; Marsh, 29th District; Savage, 10th District, Whitney, 44th District.

WHEREAS, the organization and administration of state government continues to become more complex; and

WHEREAS, the citizens of the state receive select services which are provided by no other organization; and

WHEREAS, the cost of service delivery and general government is increasing; and

WHEREAS, the relative priority of programs offered by government continues to change to meet the needs of citizens; and

WHEREAS, the level of appropriations of state funds affect the programs and the extent to which such programs accomplish stated purposes; and

WHEREAS, improved methods of delivering government services are needed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Nebraska Legislature is authorized to study and evaluate:

- (a) The systems of human services;
- (b) The systems of higher education;
- (c) The progress of management information systems; and
- (d) The improvement of capital construction.

2. That the committee at the conclusion of its study shall report its findings and recommendations to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 162.

Introduced by Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Marsh, 29th District; Savage, 10th District; Stahmer, 8th District; Whitney, 44th District.

WHEREAS, the State of Nebraska should provide and encourage services which strengthen family life and support families in their essential function of nurture for a child's physical, social, educational, moral, and spiritual development; and

WHEREAS, every child in the State of Nebraska should be entitled to reach his or her full potential and should be entitled to the full protection of the state; and

WHEREAS, services to children should include programs which provide developmental, preventive, protective, recreational, or rehabilitative services for children from public or private funds; and

WHEREAS, there is a need to evaluate the current level of services to children in the state and their effectiveness; and

WHEREAS, there is a need to identify gaps in services to children and to evaluate the effectiveness and efficiency of the service delivery system; and

WHEREAS, there is a need to assure the sound and coordinated development of all services to children and to assure the availability of children's services where the need exists; and

WHEREAS, there is currently no statewide planning and coordination of services to children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Appropriation Committee study the area of Children's Services and that such study:

- (1) Determine the extent of current services and needs;
- (2) Determine the need for coordination of services to children;
- (3) Identify areas for future program and service development; and
- (4) Identify several alternative for more effective and efficient service delivery and determine the current fiscal impact of such service delivery.

That the committee at the conclusion of its study report its findings and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 163.

Introduced by Anderson, 37th District.

WHEREAS, there is increasing public support for consumer protection legislation; and

WHEREAS, commercial interests are vitally affected by such legislation; and

WHEREAS, it is beneficial to legitimate business interests and the public to discourage unethical business practices; and

WHEREAS, there is increasing activity on the federal and local levels in curbing unfair business practices;

THEREFORE BE IT RESOLVED that the Legislature investigate the need for charging a public agency with the duty of promulgating rules and regulations designed to eliminate unethical business practices.

BE IT FURTHER RESOLVED that a study be conducted during the interim by an appropriate committee of the legislature to determine the need for legislation defining unfair business practices and creating enforcement mechanisms.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 164.

Introduced by Anderson, 37th District.

WHEREAS, Recreation is an activity which is necessary and essential to the physical and spiritual well-being of the citizenry, and

WHEREAS, the opportunity for recreation is considered part of the "good life", and

WHEREAS, recreation is a diverse and many-faceted activity, and

WHEREAS, federal, state, and local levels of government as well as the private sector are involved in providing recreational opportunities, and

WHEREAS, several state agencies and departments administer recreational programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1) That the Legislature of the State of Nebraska establish an interim study committee to conduct a study of the recreational facilities and opportunities presently available in Nebraska, as well as the potential for future development.

2) That the study include an investigation of the role of state government in providing recreational opportunities and how it interfaces with local, multicounty, statewide, and regional operating agencies.

3) That the committee report to the next regular session of the Legislature the findings of its study together with its recommendations.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 165.

Introduced by Cavanaugh, 9th District.

WHEREAS, it has come to the attention of this Legislature that serious representation problems exist by earlier redistricting of the Supreme Court Judicial Districts; and

WHEREAS, it is necessary and proper that an indepth study be made of such redistricting in order to resolve such problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That the Executive Board of the Legislature shall appoint an interim committee to study the problems of redistricting of the Supreme Court.

2. That such committee shall present a written report to the Eighty-fourth Legislature, First Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 166.

Introduced by Anderson, 37th District.

WHEREAS, all vertebrate and invertebrate wildlife and plant species have a positive economic, social, scientific, ecological, aesthetic and recreational value for the people of the State of Nebraska; and

WHEREAS, there is increased interest on the federal level to promote the preservation of all wildlife demonstrated by the Endangered Species Act of 1973 which provided for cooperative agreements between the states and the Department of the Interior for financial assistance and management of threatened and endangered species of plant and wildlife; and

WHEREAS, there is increased public support for a nongame management program operating in conjunction with existing state game management programs.

THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

That an interim study be conducted by the Constitution Revision and Recreation Committee to determine the legislative needs to bring Nebraska into compliance with the Endangered Species Act of 1973, and

BE IT FURTHER RESOLVED that the study committee also conduct a review of the existing state wildlife management programs to determine the desirability of legislation designed to place the responsibility for management of all vertebrate and invertebrate wildlife and plant species under a single state agency.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 167.

Introduced by Anderson, 37th District.

WHEREAS, extensive revisions have been made in the Nebraska statutes governing fish and game; and

WHEREAS, no recent attempt has been made to coordinate these many revisions; and

WHEREAS, the authority granted in these statutes is often vague and unclear; and

WHEREAS, the area of game, fish, and wildlife is of great public interest;

THEREFORE BE IT RESOLVED BY THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Constitutional Revision and Recreation Committee conduct an interim study to determine the need to clarify and codify all statutes contained in Chapter 37 of the Revised Statutes of Nebraska and all appropriate related statutes.

BE IT FURTHER RESOLVED that if the committee finds such a need exists then they are to develop recommendations to accomplish the necessary clarification and codification of these statutes, and

BE IT FURTHER RESOLVED that the committee report on its findings and recommendations to the 84th Session of the Nebraska Legislature.

Referred to the Executive Board.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules and place LR 133 at the bottom of Select File.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 23:

Anderson	Carpenter	F. Carstens	Cavanaugh	Chambers
Clark	Duis	Epke	Fellman	Hasebroock
Johnson	Keyes	Luedtke	Mahoney	Marsh
Marvel	Savage	Schmit	Simpson	Skarda
Stahmer	Stromer	Syas		

Voting in the negative, 18:

Barnett	C. Carsten	Dickinson	Goodrich	Kelly
Kennedy	Kime	Kremer	R. Lewis	Maresh
Murphy	Nore	Rasmussen	Richendifer	Snyder
Stull	Whitney	Wiltse		

Not voting, 8:

Burbach	DeCamp	Fowler	F. Lewis	Moylan
Proud	Waldron	Warner		

The motion lost with 23 ayes, 18 nays and 8 not voting.

MOTION—Suspend Rules

Mr. F. Carstens moved to suspend the rules to consider a motion on LB 1056 for a specific amendment.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays and 17 not voting.

The motion prevailed with 30 ayes, 10 nays and 9 not voting.

MOTION—Return LB 1056 to Select File

Mr. F. Carstens moved to return LB 1056 to Select File for the following specific amendment:

1. Strike the Stahmer amendments adopted 4/3.
2. Renumber sections accordingly.
3. Strike E & R amendment 6.
4. Sec. 1 line 2 insert 5 after sec. 4.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The F. Carstens motion prevailed with 25 ayes, 16 nays and 8 not voting.

SELECT FILE

LEGISLATIVE BILL 1056. The F. Carstens specific amendment found in this day's Journal was adopted with 26 ayes, 15 nays and 8 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Suspend Rules

Mr. Luedtke moved to suspend the rules to go directly to Select File.

The motion prevailed with 33 ayes, 6 nays and 10 not voting.

SELECT FILE

LEGISLATIVE BILL 632. Mr. Warner asked unanimous consent to withdraw his amendment found in the Journal on page 1545. No objections. So ordered.

Mr. Maresh moved to suspend the rules to advance LB 632 to E & R without any other amendments.

Mr. R. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Mr. Maresh moved for a Call of the House. The motion prevailed with 29 ayes, 5 nays and 15 not voting.

The Call showed 46 members present.

Mrs. Marsh moved the Call be raised. The motion prevailed with 39 ayes, 0 nays and 10 not voting.

The Maresh motion prevailed with 30 ayes, 11 nays and 8 not voting.

LB 632 was advanced to E & R for Engrossment.

LEGISLATIVE BILL 1040. E & R amendments found in the Journal on page 1512 for the Fifty-seventh Day were adopted.

Messrs. Stahmer and Luedtke offered the following amendment:

Amendment to LB 1040

1) Add a new section as follows:

Sec. — 'The Department of Correctional Services and the Nebraska Commission on Law Enforcement and Criminal Justice are hereby directed and authorized to develop plans and programs for regional jails to be located at Norfolk, Lincoln, Grand Island, North Platte, Scotts-bluff, and Omaha. The Omaha regional facility shall be developed through the utilization and further development of the funds and approved programs which have been received by Douglas County.
Sec. — The plans shall be developed in such a manner to insure optimum utilization of all facilities based upon the needs of the region served and the availability of such facilities. New facilities shall be planned where necessary. The primary concern and emphasis shall be the development, application, and availability of such programs which would provide beneficial growth and development to the convicted persons. Such programs should include education, development and improvement of employable job skills, family counseling, and assistance for community reintegration.

Sec. ____ There is hereby appropriated \$500,000 from the State Building Fund in addition to federal and local funds to the Nebraska Commission on Law Enforcement and Criminal Justice for the development of programs, plans, surveys, design and facility drawings for the fiscal year ending June 30, 1975.

Sec. ____ The salary of the Director of the Department of Correctional Services is hereby established to be a minimum of \$30,000 annually. There is hereby appropriated \$30,000 General Funds to Agency 46 - Department of Correctional Services, Program 370 - Central Office, in addition to the General Funds provided in Legislative Bill 1054, Eighty-third Legislature, Second Session, 1974. The Director of the State Personnel Office is directed to make the necessary changes in the classification and pay plan to reflect the salary established for the Director of the Department of Correctional Services."

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 681. E & R amendments found in the Journal on page 1512 for the Fifty-seventh Day were adopted.

Mr. Carpenter offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's office).

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. DeCamp offered the following amendment:

Add a new section as follows:

Sec. 1. That section 53-117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-117. The commission shall have the following powers, functions and duties: (1) To receive applications for and to issue and revoke licenses to manufacturers, distributors, non-beverage users, retailers, railroads, including owners and lessees of sleeping, dining and cafe cars, airlines, and boats, in accordance with the provisions of this act; (2) to fix by regulations the standards of manufacture of alcoholic liquors not inconsistent with federal laws in order to insure the use of proper ingredients and methods in the manufacture and distribution thereof; and to establish rules, not inconsistent with federal laws, for the proper labeling of containers or barrels, casks or other bulk containers or bottles of alcoholic liquor manufactured or sold in this state; it is intended by this grant of the power to adopt rules and regulations, that the commission shall be clothed with broad discretionary powers to govern the traffic in alcoholic liquors, and to enforce strictly all the provisions of this act in the interest of sanitation,

purity of products, truthful representations and honest dealings in such manner as generally will promote the public health and welfare; and all such rules and regulations shall be absolutely binding upon all licensees and enforceable by the commission through the power of suspension or cancellation of licenses, except that all rules and regulations of the commission affecting a Class H, Class 9 or a club possessing any form of retail license shall have equal application to all such licenses or shall be void; (3) to call upon other administrative departments of the state, county and municipal governments, county sheriffs, city police departments, village marshalls, peace officers and upon prosecuting officers for such information and assistance as it may deem necessary in the performance of its duties; (4) to recommend to local governing bodies rules and regulations, not inconsistent with law, for the distribution and sale of alcoholic liquors throughout the state; (5) to submit to the Governor annually on or before December 15, reports of its official acts and recommendations; (6) to inspect, or cause to be inspected, any premises where alcoholic liquors are manufactured, distributed or sold and where sold on an unlicensed premise or on any premises in violation of law, to bring an action to enjoin the use of the property for such purpose; (7) to hear and determine appeals from orders of a local governing body in accordance with the provisions of this act, as hereinafter set forth; (8) in the conduct of any hearing authorized to be held by the commission, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; and to administer or cause to be administered oaths; (9) to investigate the administration of laws in relation to alcoholic liquors in this and other states, and to recommend from time to time to the Governor and through him to the Legislature of this state, amendments to this act; and (10) to receive, account for and turn over to the State Treasurer state license fees and taxes provided for in this act.

Members of the commission and all persons appointed by them to the office of storekeeper or inspector, as hereafter provided, shall be appointed deputy state sheriffs by the Governor, and, upon qualifying for such office, shall possess all the powers which attach to such office, except that their powers and duties shall be restricted to the enforcement of this act. For any duties as deputy state sheriffs they shall not receive any additional compensation.

Sec. 2. That original section 53-117, Reissue Revised Statutes of Nebraska, 1943, is repealed.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment with 25 ayes, 2 nays and 22 not voting.

LEGISLATIVE BILL 677. E & R amendments found in the Journal on page 1515 for the Fifty-seventh Day were adopted.

Mr. Cavanaugh re-offered his amendment found in the Journal on page 1081 for the Forty-third Day.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays and 32 not voting.

Mr. Stull moved the Call be raised. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

The Cavanaugh amendment was adopted with 26 ayes, 10 nays and 13 not voting.

Mr. Barnett offered the following amendment:
To amend LB 677 on line 24 of the white copy after the word "receipt" and add "except for a total contribution of \$50 or under."

The amendment was adopted with 26 ayes, 2 nays and 21 not voting.

Mr. Whitney offered the following amendment:
To amend the Cavanaugh amendment LB 677 Sec 10 - (5) line 2 to delete "one hundred"

The amendment was adopted with 25 ayes, 4 nays and 20 not voting.

Mr. Carpenter offered the following amendment:
Sec. The commission shall provide each candidate with the required forms at least two weeks before the time required for filing said forms

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Syas moved to indefinitely postpone.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 19:

Chambers	Clark	Epke	Kennedy	Keyes
R. Lewis	Luedtke	Moylan	Nore	Richendifer
Schmit	Simpson	Skarda	Snyder	Stromer
Stull	Syas	Whitney	Wiltse	

Voting in the negative, 22:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	DeCamp	Dickinson	Duis
Fellman	Fowler	Johnson	Kelly	Kremer
F. Lewis	Mahoney	Maresh	Marsh	Murphy
Rasmussen	Savage			

Not voting, 8:

Goodrich	Hasebroock	Kime	Marvel	Proud
Stahmer	Waldron	Warner		

The motion lost with 19 ayes, 22 nays and 8 not voting.

Mr. Kelly moved to advance LB 677.

Mr. Kelly requested a record vote.

Mr. Carpenter requested a roll call vote.

Mr. Barnett moved for a Call of the House. The motion prevailed with 21 ayes, 11 nays and 17 not voting.

The Call showed 44 members present.

Voting in the affirmative, 23:

Anderson	Barnett	Burbach	Carpenter	F. Carstens
Cavanaugh	DeCamp	Dickinson	Duis	Fellman
Fowler	Goodrich	Johnson	Kelly	Kremer
F. Lewis	Maresh	Marsh	Marvel	Murphy
Rasmussen	Savage	Stahmer		

Voting in the negative, 22:

C. Carsten	Chambers	Clark	Epke	Kennedy
Keyes	Kime	R. Lewis	Luedtke	Mahoney
Moylan	Nore	Richendifer	Schmit	Simpson
Skarda	Snyder	Stromer	Stull	Syas
Whitney	Wiltse			

Not voting, 4:

Hasebroock	Proud	Waldron	Warner
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LB 677 failed to advance to E & R for Engrossment with 23 ayes, 22 nays and 4 not voting.

Mr. Murphy moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 651. E & R amendments found in the Journal on page 1515 for the Fifty-seventh Day were adopted.

Messrs. Fellman and DeCamp offered the following amendment:
Strike the original bill and insert

Section 1. That the Standard Time of the State of Nebraska shall be the time established by the Emergency Daylight Saving Time Energy Conservation Act of 1973 (P. L. 93-182) until such act expires or is repealed; and upon expiration or repeal, Standard Time for the State of Nebraska shall be the time established by the Uniform Time Act of 1966 in both the Central and Rocky Mountain time zones.

Section 2. In the event of the repeal or expiration of the Emergency Daylight Saving Time Act of 1973, Daylight Time shall be in effect from the last Sunday in April until the last Sunday in October of each year at such clock time as is prescribed in the Uniform Time Act of 1966.

Section 3. Notwithstanding any provision to the contrary, Daylight Time shall not be the Standard Time for the State of Nebraska for more than six months of the year after April 27, 1975, which six month period shall begin on the last Sunday of April of each year and shall end on the last Sunday of October of each year.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment with 29 ayes, 0 nays and 20 not voting.

UNANIMOUS CONSENT—Unbracket LB 932 on Select File

Mr. Syas asked unanimous consent to unbracket LB 932 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 932. E & R amendments found in the Journal on page 1417 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 932 to Select File

Mr. Chambers moved to return LB 932 to Select File for the following specific amendment:
Strike the enacting clause.

The motion lost with 1 aye, 15 nays and 33 not voting.

UNANIMOUS CONSENT—Unbracket LB 933 on E & R

Mr. Syas asked unanimous consent to unbracket LB 933 on E & R Final.

Mr. Chambers objected.

Mr. Syas moved to unbracket LB 933. The motion prevailed with 27 ayes, 2 nays and 20 not voting.

MOTION—Return LB 933 to Select File

Mr. Chambers moved to return LB 933 to Select File for the specific amendment found in the Journal on page 1446 for the Fifty-fifth Day.

Mr. Fellman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay and 22 not voting.

The Chambers motion lost with 14 ayes, 12 nays and 23 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 894. Replaced on Select File as amended.
E & R amendments to LB 894:

1. All amendatory matter having been stricken therefrom, strike section 3 and renumber original section 4 as section 3 and original sections 6 to 8 as sections 4 to 6.
2. Insert the new section added by the DeCamp amendment as section 7.
3. Renumber original section 9 as section 8.
4. On page 10, line 6, strike "72-240.07,".
5. In the title, line 2, strike "72-240.07,";
strike beginning with "to" in line 6 through the semicolon in line 7 and beginning with "to" in line 8 through the first semicolon in line 9; and in line 12 insert "to make appropriations;" after the semicolon.

LEGISLATIVE BILL 774. Replaced on Select File as amended.
E & R amendments to LB 774:

1. In lieu of the Murphy amendments, on page 3, line 9, strike "a minimum" and insert "an"; in lines 9 and 10 strike "of twenty thousand dollars" and insert an underscored comma; and in line 10 after "board" insert ", of not less than twenty thousand dollars".
2. In the title, line 5, insert "to provide minimum annual salaries;" after the semicolon.

LEGISLATIVE BILL 1056. Replaced on Select File as amended.
E & R amendments to LB 1056:

1. Strike the Carstens amendment 4 adopted
4/9.

2. In the title as amended, line 7, insert “;”
to provide severability” after “lapsing”.

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE BILL 894. E & R amendments found in this day’s Journal
were adopted.

Mr. Chambers requested a roll call vote on advancing LB 894.

Voting in the affirmative, 20:

Anderson	Burbach	C. Carsten	Clark	DeCamp
Dickinson	Duis	Epke	Fowler	Johnson
Kremer	Luedtke	Mahoney	Marsh	Moylan
Murphy	Schmit	Simpson	Snyder	Stromer

Voting in the negative, 11:

Carpenter	R. Lewis	Maresh	Marvel	Nore
Rasmussen	Richendifer	Skarda	Syas	Whitney
Wiltse				

Not voting, 18:

Barnett	F. Carstens	Cavanaugh	Chambers	Fellman
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Kime	F. Lewis	Proud	Savage	Stahmer
Stull	Waldron	Warner		

LB 894 failed to advance to E & R for Engrossment with 20 ayes, 11 nays
and 18 not voting.

LEGISLATIVE BILL 774. E & R amendments found in this day’s Journal
were considered.

Mr. Chambers requested a roll call vote on the E & R amendments.

Voting in the affirmative, 28:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
Clark	DeCamp	Dickinson	Duis	Fowler
Goodrich	Keyes	Luedtke	Maresh	Marsh
Marvel	Murphy	Nore	Rasmussen	Richendifer
Savage	Simpson	Snyder	Stahmer	Stromer
Stull	Syas	Whitney		

Voting in the negative, 3:

Mahoney	Moylan	Wiltse
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Not voting, 18:

Carpenter	F. Carstens	Chambers	Epke	Fellman
Hasebroock	Johnson	Kelly	Kennedy	Kime
Kremer	F. Lewis	R. Lewis	Proud	Schmit
Skarda	Waldron	Warner		

The E & R amendments were adopted with 28 ayes, 3 nays and 18 not voting.

Mr. Chambers requested a roll call vote on advancing LB 774.

Pending.

VISITORS

President Marsh introduced 34 Senior High students, their teacher and 3 adult sponsors from Sunnydale Academy, Centralia, Missouri.

RECESS

At 12:06 p.m., on a motion by Mr. Carpenter, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Proud and Waldron who were excused and Mr. Marvel who was excused until 2:30 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 863. Replaced on Select File as amended.
E & R amendments to LB 863:

1. Insert as section 3 the section amending section 43-604, as section 4 the section amending section 43-625, as section 5 the section amending section 43-642, as section 6 the section amending section 43-647, and as section 7 the section amending section 43-654.

2. Renumber section 3 as section 8.

3. Insert as section 9 the section amending section 79-329.

4. Renumber sections 4 and 5 as sections 10 and 11.

5. Insert as section 12 the section amending section 79-1903 and as section 13 the section amending section 79-2003.

6. Renumber section 6 as section 14.

7. Add a new section to read:

"Sec. 15. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

8. In renumbered section 3 strike line 16 and insert "below the age of nineteen years, (c) who are".

9. In renumbered section 4, line 19, strike "through" and insert "through by".

10. In renumbered section 5, line 1, strike "sec. 43-642" and insert "section 43-642, Revised Statutes Supplement, 1973,"; strike line 4 and insert "of school districts, an educational service unit, combination of educational service units, the local or regional office of mental" as in the statutes.

11. In renumbered section 7, in line 1 of subdivision (3), insert "State" after the first "the".

12. Amend renumbered section 14 to read:

"Sec. 14. That original sections 79-328, 79-488.05, or 79-488.07, 79-1903, and 79-2003, Reissue Revised Statutes of Nebraska, 1943, section 79-329, Revised Statutes Supplement, 1972, and sections 39-657, 39-660, 43-604, 43-625, 43-642, 43-647, and 43-654, Revised Statutes Supplement, 1973, are repealed."

13. In the title, strike lines 2 to 11 and all amendments thereto and insert:

"FOR AN ACT relating to education; to change duties of school bus operators; to provide penalties;

to provide when certain school bus equipment shall not be operable as prescribed; to change provisions for vehicles used for the transportation of school children; to provide for the removal of equipment from vehicles sold; to provide for instruction in saferiding practice and participation in emergency evacuation drills; to redefine a term; to change provisions and duties for special training and educational programs; to clarify a provision for costs; to provide an operative date; to provide for nonvoting membership on the Nebraska Coordinating Council for the Handicapped; to change authority of the State Board of Education; to provide exceptions; to amend sections 79-328, 79-488.05, 79-488.07, 79-1903, and 79-2003, Reissue Revised Statutes of Nebraska, 1943, section 79-329, Revised Statutes Supplement, 1972, and sections 39-657, 39-660, 43-604, 43-625, 43-642, 43-647, and 43-654, Revised Statutes Supplement, 1973; to repeal the original sections; and to declare an emergency.”.

14. In new section 5, line 2, insert “43-642.” before “The”.

(Signed) John J. Cavanaugh, Chairman

MOTION—Order of Day

Mr. Wiltse moved to suspend the rules and consider LB 774 and 1056 on Select File plus any further bills replaced on Select File by E & R and then go to Final Reading.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 29 ayes, 8 nays and 12 not voting.

The Call showed 46 members present.

Mr. Carpenter moved the Call be raised. The motion prevailed with 20 ayes, 8 nays and 21 not voting.

The Wiltse motion to suspend the rules lost with 29 ayes, 11 nays and 9 not voting.

SELECT FILE

LEGISLATIVE BILL 774. Mr. Chambers requested a roll call vote on advancing LB 774 to E & R for Engrossment.

Voting in the affirmative, 28:

Anderson	Barnett	C. Carsten	F. Carstens	Cavanaugh
DeCamp	Dickinson	Duis	Epke	Fowler
Goodrich	Hasebroock	Johnson	Kennedy	Keyes
Luedtke	Marsh	Murphy	Rasmussen	Richendifer
Schmit	Simpson	Snyder	Stahmer	Stromer
Stull	Syas	Wiltse		

Voting in the negative, 13:

Burbach	Carpenter	Clark	Kremer	F. Lewis
R. Lewis	Mahoney	Maresh	Moylan	Nore
Savage	Skarda	Whitney		

Not voting, 8:

Chambers	Fellman	Kelly	Kime	Marvel
Proud	Waldron	Warner		

Advanced to E & R for Engrossment with 28 ayes, 13 nays and 8 not voting.

MOTION—Suspend Rules

Mr. Stahmer moved to suspend the rules to prohibit any roll call votes the balance of the day.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 5 nays and 11 not voting.

Mr. Carpenter requested a record vote on the Stahmer motion.

Voting in the affirmative, 34:

Barnett	Burbach	C. Carsten	Clark	DeCamp
Dickinson	Epke	Fellman	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Maresh
Moylan	Murphy	Nore	Rasmussen	Savage
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Whitney	Wiltse	

Voting in the negative, 9:

Carpenter	F. Carstens	Cavanaugh	Chambers	Fowler
Mahoney	Marsh	Schmit	Warner	

Not voting, 6:

Anderson	Duis	Marvel	Proud	Richendifer
Waldron				

The motion prevailed with 34 ayes, 9 nays and 6 not voting.

MOTION--Return LB 774 to Select File

Mr. Mahoney moved to return LB 774 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Whitney moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 4 nays and 16 not voting.

Mr. Mahoney moved for a Call of the House. The motion prevailed with 25 ayes, 10 nays and 14 not voting.

Mr. Richendifer moved the Call be raised. The motion prevailed with 29 ayes, 10 nays and 10 not voting.

The Mahoney motion lost with 24 ayes, 16 nays and 9 not voting.

SELECT FILE

LEGISLATIVE BILL 1056. E & R amendments found in this day's Journal were adopted.

Mr. Chambers requested a record vote on the advancement to E & R for Re-engrossment.

Voting in the affirmative, 34:

Barnett	Burbach	F. Carstens	Cavanaugh	Chambers
Clark	Dickinson	Epke	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Rasmussen	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stull	Syas	Whitney	Wiltse	

Voting in the negative, 1:

Carpenter

Not voting, 14:

Anderson	C. Carsten	DeCamp	Duis	Fellman
Fowler	F. Lewis	Marvel	Nore	Proud
Richendifer	Stromer	Waldron	Warner	

Advanced to E & R for Re-engrossment with 34 ayes, 1 nay and 14 not voting.

LEGISLATIVE BILL 863. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 894. Mr. DeCamp moved to advance to E & R for Engrossment.

Mr. Stahmer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment with 25 ayes, 12 nays and 12 not voting.

MOTION—Return LB 632 to Select File

Mr. Chambers moved to return LB 632 to Select File for the following specific amendment:

Abolish tax on food, including in restaurants. Operative date January 1, 1975.

Mr. Dickinson moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Mr. Carpenter requested a record vote on the Chambers motion.

Voting in the affirmative, 11:

Anderson	Carpenter	Cavanaugh	Chambers	Duis
Fowler	Richendifer	Savage	Schmit	Skarda
Warner				

Voting in the negative, 24:

Barnett	Burbach	C. Carsten	Clark	Dickinson
Fellman	Hasebroock	Kelly	Kennedy	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Maresh
Murphy	Rasmussen	Simpson	Snyder	Stahmer
Stull	Syas	Whitney	Wiltse	

Not voting, 14:

F. Carstens	DeCamp	Epke	Goodrich	Johnson
Keyes	Mahoney	Marsh	Marvel	Moylan
Nore	Proud	Stromer	Waldron	

The motion lost with 11 ayes, 24 nays and 14 not voting.

MOTION—Bracket LB 977 and LB 977A

Mr. Kennedy moved to bracket LB 977 and LB 977A on Final Reading.

The motion lost with 21 ayes, 12 nays and 16 not voting.

MOTION—Return LB 977 to Select File

Mr. Stahmer moved to return LB 977 to Select File for the following specific amendment:

Strike the entire bill and insert Computer Req. No. 2649.
(On file in the Clerk's office)

Mr. Rasmussen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The Chair ruled the Stahmer amendment not germane to the bill.

Mr. Stahmer appealed the decision of the Chair.

The question is "Shall the Chair be overruled?" The motion lost with 16 ayes, 23 nays and 10 not voting.

MOTION—Return LB 678 to Select File

Mr. Chambers moved to return LB 678 to Select File for the following specific amendment:

1. In the final reading bill, page 2, line 23 after the period insert "No bonds shall be issued under the provisions of this section until authorized by a majority of the electors"

voting on the issue in the county, city or village proposing such bond issue at the next general election or special election called for that purpose."

2. On page 3, lines 8 to 13, strike the new matter.

Mr. Luedtke moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 8 nays and 19 not voting.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?"

Mr. Barnett moved for a Call of the House. The motion prevailed with 18 ayes, 11 nays and 20 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The motion to close debate prevailed with 27 ayes, 9 nays and 13 not voting.

Mr. Nore requested a record vote on the Chambers motion to return LB 678 to Select File.

Voting in the affirmative, 25:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Dickinson	Epke	Fellman
Fowler	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	Mahoney	Maresh	Nore
Rasmussen	Richendifer	Savage	Skarda	Syas

Voting in the negative, 14:

Barnett	DeCamp	Goodrich	Hasebroock	Johnson
Luedtke	Marsh	Moylan	Simpson	Snyder
Stahmer	Warner	Whitney	Wiltse	

Not voting, 10:

Clark	Duis	R. Lewis	Marvel	Murphy
Proud	Schmit	Stromer	Stull	Waldron

The Chambers motion prevailed with 25 ayes, 14 nays and 10 not voting.

SELECT FILE

LEGISLATIVE BILL 678. Mr. Chambers renewed his pending specific amendment found in this day's Journal.

Mr. Fellman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The Chambers specific amendment found in this day's Journal was adopted with 25 ayes, 12 nays and 12 not voting.

Advanced to E & R for Re-engrossment.

UNANIMOUS CONSENT—Unbracket LB 94 on Final Reading

Mr. Stahmer asked unanimous consent to unbracket LB 94 on Final Reading. No objections. So ordered.

MOTION—Return LB 94 to Select File

Mr. Snyder moved to return LB 94 to Select File for the following specific amendment:

1. Strike sections 1 and 2.
2. Insert new sections to read as follows:

"Section 1. There is hereby appropriated for the period from July 1, 1974, to June 30, 1975, to the University of Nebraska-Omaha Campus, Agency 51-2, from funds in the General Fund not otherwise appropriated the sum of three hundred fifty-three thousand five hundred dollars for physical improvements of the athletic facilities.

Sec. 2. The Director of Administrative Services is hereby authorized and directed to draw his warrants upon the proper fund in the state treasury for, but never in excess of, the sum herein specified upon presentation of proper vouchers. The State Treasurer shall pay the warrants out of money in the General Fund not otherwise appropriated.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

Mr. Snyder moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays and 27 not voting.

Mr. Snyder moved the Call be raised. The motion prevailed with 35 ayes, 1 nay and 13 not voting.

The Snyder motion to return LB 94 to Select File prevailed with 25 ayes, 4 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 94. The Snyder specific amendment was adopted with 29 ayes, 5 nays and 15 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 94 to Select File

Mr. Goodrich moved to return LB 94 to Select File for the following specific amendment:

Add new sects. to it which are Sects. 1 through 6 of L.B. 1005 and amend title page accordingly and adopt committee amendments to L.B. 1005.

The Chair ruled the amendment not germane to the bill.

Mr. Goodrich appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 15 ayes, 21 nays and 13 not voting.

MOTION—Return LB 94 to Select File

Mr. Stahmer moved to return LB 94 to Select File for the following specific amendment:

New Section 3. The Board of Regents of the University of Nebraska shall make or cause to be made a study of the salaries paid to the teaching personnel at the University of Nebraska in Lincoln and at the University of Nebraska in Omaha taking into consideration similar departments, experience, degrees, and workloads of such instructors. Such study shall be completed on or before October 1, 1974. There is hereby appropriated two hundred fifty thousand dollars from the state General Fund to be used for salary adjustments between such universities to correct any inequities that such study may reveal.

Renumber Snyder Sec. 3 to Sec. 4.

The Chair ruled the motion out of order.

Mr. Stahmer appealed the decision of the Chair. The question is, "Shall the Chair be overruled. The motion lost with 13 ayes, 21 nays and 15 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

The following bill was correctly Re-engrossed: 1056.

The following bills were correctly engrossed: 632, 774, 863, 894, 932 and 933.

LEGISLATIVE BILL 651. Replaced on Select File as amended.
E & R amendments to LB 651:

1. In section 1, line 1, strike "That the Standard Time" and insert "The standard time"; and in line 4 insert "such" after "upon".
2. In sections 2 and 3, line 1, strike "Section" and insert "Sec.".
3. In section 2, line 2, insert "Energy Conservation" after "Time".
4. In the title, strike lines 2 to 7 and insert:
"FOR AN ACT relating to time; to provide for the standard of time in Nebraska as prescribed."

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE BILL 651. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 94 to Select File

Mr. Mahoney moved to return LB 94 to Select File for the following specific amendment:

Add new Sects. to it which are Sects 1 thru 6 of L.B. 1005 and amend title page accordingly and adopt committee amendments to LB 1005 material.

The Chair ruled the amendment out of order.

Mr. Mahoney appealed the decision of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Goodrich moved for a Call of the House. The motion lost with 15 ayes, 17 nays and 17 not voting.

The motion to overrule the Chair lost with 19 ayes, 17 nays and 13 not voting.

MOTION—Return LB 94 to Select File

Mr. Mahoney moved to return LB 94 to Select File for the following specific amendment:

Add new section - appropriate \$500,000 for Voc tech Land acquisition & Planning for Metro technical school

The Chair ruled the amendment out of order.

Mr. Mahoney appealed the decision of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Carpenter moved for a Call of the House. The motion prevailed with 17 ayes, 10 nays 22 not voting.

Mr. Mahoney moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The motion to overrule the Chair prevailed with 26 ayes, 13 nays and 10 not voting.

The Mahoney motion to return LB 94 to Select File prevailed with 25 ayes, 8 nays and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 94. The Mahoney specific amendment found in this day's Journal was adopted with 26 ayes, 7 nays and 16 not voting.

Advanced to E & R for Re-engrossment.

UNANIMOUS CONSENT—Unbracket LB 254A

Mr. F. Lewis asked unanimous consent to unbracket LB 254A on Final Reading. No objections. So ordered.

MOTION—Return LB 254A to Select File

Mr. F. Lewis moved to return LB 254A to Select File for the following specific amendment:

Final Reading Copy

(1) Strike section 1 and 2 and insert the following:

Section 1. "There is hereby appropriated twenty-nine thousand five hundred fifty-nine dollars from the state General Fund for the period ending June 30, 1975, to the Supreme Court, Agency No. 5 for program 531, to aid in carrying out the provisions of Legislative Bill 819, Eighty-third Legislature, Second Session, 1974.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 17 ayes, 16 nays and 16 not voting.

Mr. Kennedy moved the Call be raised. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

The F. Lewis motion to return LB 254A to Select File lost with 19 ayes, 15 nays and 15 not voting.

MOTION—Return LB 254A to Select File

Mrs. Marsh moved to return LB 254A to Select File for the following specific amendment:

Amendment to LB 254A

1) Strike original sections 1 and 2 and insert the following new sections:

“Sec. 1. If Legislative Bill 1048, Eighty-third Legislature, Second Session, 1974, is enacted into law, there is hereby appropriated \$184,000 from the state General Fund for the period of July 1, 1974, to June 30, 1975, to the Department of Administrative Services, Agency No. 65., for Program 520, State Building Administration. There is hereby appropriated \$50,000 from the state General Fund to the Leased Office Building Fund in the Department of Administrative Services, Agency No. 65, for Program 520, State Building Administration, which fund is hereby appropriated. These appropriation are to aid in carrying out the provisions of Legislative Bill 1048, Eighty-third Legislature, Second Session, 1974. The funds provided in this section shall be in addition to those funds appropriated in the general appropriation bills.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”

The motion lost with 15 ayes, 16 nays and 18 not voting.

SELECT FILE

LEGISLATIVE BILL 677. Mr. Schmit moved to advance LB 677 to E & R for Engrossment.

Mr. Kelly moved for a Call of the House. The motion prevailed with 20 ayes, 15 nays and 14 not voting.

Mr. Johnson moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

LB 677 was advanced to E & R for Engrossment with 25 ayes, 12 nays and 12 not voting.

MOTION—Return LB 938 to Select File

Mr. Stahmer moved to return LB 938 to Select File for the following specific amendment:

"That the \$183,000 now contained in University of Nebraska auxillary cash fund resulting from the sale of Mahoney Park land at the Agronomy Farm UNL be extracted and the Board of Regents of the University of Nebraska be authorized to expend said funds for equalization of faculty salaries between UNO and UNL.

Motion pending.

Mr. DeCamp moved to adjourn. The motion lost with 20 ayes, 20 nays and 9 not voting.

SELECT COMMITTEE REPORT **Enrollment and Review**

The following bill was correctly engrossed: 651.

(Signed) John J. Cavanaugh, Chairman

VISITORS

President Marsh introduced 36 students and their teachers from Platte Valley Academy, Shelton, Nebraska.

RECESS

At 4:24 p.m., on a motion by Mr. Whitney, the Legislature recessed until 7:00 p.m.

AFTER RECESS

The Legislature reconvened at 7:03 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Kremer, Proud, F. Carstens and Waldron who were excused, and Mr. Wiltse who was excused until 7:15 p.m.

UNANIMOUS CONSENT—Member Excused

Mr. Anderson asked unanimous consent to be excused tomorrow. No objections. So ordered.

UNANIMOUS CONSENT—Approve Governor's Appointments

Mr. Whitney asked unanimous consent to approve the Governor's appointments listed in the Journal on pages 1414 - 1417 for the

Fifty-fourth Day and pages 1449 - 1452 for the Fifth-fifth Day in two record votes. No objections. So ordered.

Voting in the affirmative, 32:

Barnett	Burbach	Carpenter	C. Carsten	Cavanaugh
Clark	Dickinson	Duis	Epke	Fellman
Fowler	Hasebroock	Johnson	Kennedy	Kime
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Moylan	Nore	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stull
Syas	Whitney			

Voting in the negative, 0.

Not voting, 17:

Anderson	F. Carstens	Chambers	DeCamp	Goodrich
Kelly	Keyes	Kremer	F. Lewis	Marvel
Murphy	Proud	Stahmer	Stromer	Waldron
Warner	Wiltse			

The Chair declared the appointments of Messrs. Thompson, Gilmore, Mason, Shoemaker, Sullivan, Shults, Rauner, Kelly, Quackenbush, Hodge and Friehe confirmed.

Voting in the affirmative, 36:

Barnett	Burbach	C. Carsten	Chambers	Clark
DeCamp	Dickinson	Duis	Epke	Fellman
Fowler	Johnson	Kelly	Kennedy	Keyes
Kime	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Snyder	Stahmer	Stull	Syas	Warner
Whitney				

Voting in the negative, 0.

Not voting, 13:

Anderson	Carpenter	F. Carstens	Cavanaugh	Goodrich
Hasebroock	Kremer	Murphy	Proud	Skarda
Stromer	Waldron	Wiltse		

The Chair declared the appointments of Messrs. Coolidge, Athey, Davey, Hunter, Catana, Walston, Veach, Donegan, Runice and O'Neill confirmed.

Mr. Snyder moved to reject the appointment of Donald W. Droud to the Motor Vehicle Industry Licensing Board.

Mr. Epke moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Voting in the affirmative, 18:

Barnett	Clark	Dickinson	Epke	Goodrich
Kelly	Kime	R. Lewis	Luedtke	Marvel
Murphy	Rasmussen	Savage	Simpson	Snyder
Stromer	Syas	Warner		

Voting in the negative, 23:

Burbach	Carpenter	C. Carsten	Cavanaugh	Chambers
DeCamp	Duis	Fellman	Fowler	Hasebroock
Johnson	Kennedy	Keyes	Mahoney	Maresh
Moylan	Richendifer	Schmit	Skarda	Stahmer
Stull	Whitney	Wiltse		

Not voting, 8:

Anderson	F. Carstens	Kremer	F. Lewis	Marsh
Nore	Proud	Waldron		

The motion to reject the appointment of Mr. Droud lost with 18 ayes, 23 nays and 8 not voting.

Mr. Whitney moved to approve the appointment of Mr. Droud.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays and 19 not voting.

Voting in the affirmative, 25:

Burbach	Carpenter	C. Carsten	Cavanaugh	Chambers
DeCamp	Duis	Fellman	Fowler	Hasebroock
Johnson	Kennedy	Keyes	F. Lewis	Mahoney
Maresh	Marsh	Moylan	Richendifer	Schmit
Skarda	Stahmer	Stull	Whitney	Wiltse

Voting in the negative, 11:

Goodrich	Kelly	Kime	R. Lewis	Luedtke
Murphy	Rasmussen	Simpson	Snyder	Syas
Warner				

Not voting, 13:

Anderson	Barnett	F. Carstens	Clark	Dickinson
Epke	Kremer	Marvel	Nore	Proud
Savage	Stromer	Waldron		

The Chair declared the appointment of Mr. Droud confirmed.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 302. Replaced on Select File as amended.
E & R amendments to LB 302:

1. Strike the Kennedy amendment 2 adopted 3/28 and renumber the new section added by the Kennedy amendment 1 as section 15.

2. In the amendment to section 1, line 12, strike "Section 3 (7) of this Act." and insert "subdivision 3 (7) of this act".

3. On page 2, line 23, strike "and".

4. On page 3, line 24, strike the period and insert "; and".

5. In section 2, new subdivision (7), line 3, strike "subsection" and insert "subdivision"; and in line 5 insert "sections 1 to 14 of" after "of".

6. On page 4, strike beginning with the second comma in line 17 through "thereto" in line 19.

7. In the amendment to page 5, line 24, in line 3 strike the comma; and remove capitalization from "section" in lines 6 and 7.

8. On page 7, line 5, strike "and (7)".

9. In the amendment beginning on page 7, line 6, in lines 4, 5, and 6 strike the semicolon and insert an underscored comma; in line 7 insert an underscored comma after "associations"; in line 8 strike "1/10th" and insert "one-tenth"; in line 9 strike the period and insert ", and"; in line 13 strike "regional"; and in lines 14 and 15 strike ". Members" and insert ", and the members".

10. In the amendment to page 7, line 26, in line 3 strike "State Citizens Advisory Committee" and insert "committee"; in lines 4, 6, and 7, strike the semicolon in each instance and insert an underscored comma; and remove capitalization from "section" in line 8 and "act" in line 9.

11. In the amendment to page 8, line 3, in line 3 strike "State Citizens Advisory Committee" and insert "committee".

12. In the Schmit amendment 1, line 3, strike "line 24" and insert "line 23".

13. In the amendment to page 10, line 20, in line 3 strike "due to" and insert "because of".

14. Renumber new sections 15 and 16 added by the Schmit amendments as sections 16 and 17, original section 15 as section 18, and the repeal and emergency sections as sections 19 and 20.

15. In the title, strike lines 2 to 7 and insert:
 "FOR AN ACT relating to mental health; to adopt the Nebraska Comprehensive Community Mental Health Services Act; to amend section 83-1,143.06, Revised Statutes Supplement, 1973; to change mental retardation regions; to provide for service in different regions; to provide an operative date; to repeal the original section; and to declare an emergency."

16. In the amendment to page 10, line 8, strike the period in line 3.

LEGISLATIVE BILL 1040. Replaced on Select File as amended. E & R amendments to LB 1040:

1. In the new matter of the Stahmer-Luedtke amendment, insert "Sec. 26. (1)" before line 1, "(2)" before line 8, "Sec. 27." before line 17, and "Sec. 28." before line 22.

2. In section 28, lines 1 and 9, strike "of the Department"; and in line 7 strike "the State Personnel Office" and insert "Personnel".

3. Renumber original section 35 as section 29.

4. In the title, line 6, insert "to provide for plans for regional jails; to provide a minimum salary as prescribed; to make appropriations;" after the second semicolon.

5. In committee amendment 7, line 13, strike "Community Correctional" and insert "Community-Centered".

6. In E & R 3 adopted 4/9, strike "line 1" and insert "line 2".

7. In E & R 5 adopted 4/9, line 4 strike "line 11" and insert "line 10".

8. In the title, line 12, strike the last comma.

9. In section 26, line 13, strike "which would" and insert "as will"; and in line 14 strike "should" and insert "shall".

LEGISLATIVE BILL 681. Replaced on Select File as amended.
E & R amendments to LB 681:

1. Insert section 1 added by the Carpenter amendment 1 as section 3.

2. Strike the Carpenter amendment 2.

3. Insert the section added by the DeCamp amendment as section 4 and the sections added by the Carpenter amendment 3 as sections 5 to 7.

4. Strike the last two lines of the DeCamp amendment.

5. Strike the Carpenter amendment 4.

6. In the Carpenter amendments, page 9, strike the new and reinstate the stricken matter in lines 2, 4, and 18.

7. In the Carpenter amendments, page 14, line 1, strike "4 and 5" and insert "5 and 6".

8. Strike the Carpenter amendments 6 and 7.

9. On page 3, strike lines 16 and 17 and insert:

"Sec. 9. That original sections 20-113, 53-117, 53-135.01, and 53-179, Reissue Revised Statutes of Nebraska, 1943, and sections 20-134, 53-112, and 53-124, Revised Statutes Supplement, 1973, are repealed."

10. In the title, strike lines 2 to 10 and amendments thereto and insert:

"FOR AN ACT to amend sections 20-113, 53-117, 53-135.01, and 53-179, Reissue Revised Statutes of Nebraska, 1943, and sections 20-134, 53-112, and 53-124, Revised Statutes Supplement, 1973; to provide for civil rights ordinances or resolutions more comprehensive than state law; to provide for revocation of certain liquor licenses for prescribed violations; to prohibit discrimination based on sex; to provide for expenses of members of the Nebraska Liquor Control Commission; to provide additional powers for the commission; to change the renewal time for class C licenses; to make certain acts unlawful; to provide an operative date; and to repeal the original sections."

LEGISLATIVE BILL 678. Replaced on Select File as amended.
E & R amendment to LB 678:

1. In the title of the Final Reading bill, line 14, strike "to provide for referendums;" and insert "to require a vote of the electors prior to the issuance of such bonds;"

LEGISLATIVE BILL 94. Replaced on Select File as amended.
E & R amendments to LB 94:

1. Pursuant to the Mahoney amendment, insert
a new section to read:

"Sec. 2. There is hereby appropriated for the
period of July 1, 1974, to June 30, 1975, to the State Board
of Technical Community Colleges, Agency No. 83, from funds
in the General Fund not otherwise appropriated the sum of
five hundred thousand dollars for land acquisition and plan-
ning for the Metropolitan Technical Community College."

2. Renumber sections 2 and 3 as sections 3
and 4.

3. In renumbered section 3, line 4, strike
"sum" and insert "sums".

4. Strike original section 3.

5. In the title, line 3, insert "and to the
State Board of Technical Community Colleges, Agency No. 83"
after "51-2".

LEGISLATIVE BILL 677. Replaced on Select File as amended.
E & R amendments to LB 677:

1. In section 10, line 9, strike the comma.

2. In lieu of the Barnett amendment, on page 2,
line 24, insert ", except for total contributions of fifty
dollars or less," after "receipt".

3. Pursuant to the Carpenter amendment, insert
a new section to read:

"Sec. 12. The State Campaign Finance Commission
shall provide each candidate the forms required to be filed
for compliance with this act at least two weeks before the
time required for the filing thereof."

4. In the last line of the Kelly amendment 2,
and in lines 3 and 12 of the Kelly amendment 3, strike "Secretary
of State" and insert "State Campaign Finance Commission".

5. Renumber sections 10 to 12 as sections 9 to 11.

6. In the title, line 4, strike "and"; and in
line 4 insert "; and to create the State Campaign Finance
Commission and provide for its composition, compensation,
personnel, and duties" after "penalty".

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE BILL 302. E & R amendments found in this day's Journal
were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1040. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 681. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 678. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 94. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 677. E & R amendments found in this day's Journal were adopted.

Mr. Carpenter requested a record vote on advancing LB 677.

Mr. Carpenter moved for a Call of the House. The motion prevailed with 20 ayes, 18 nays and 11 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 26 ayes, 13 nays and 10 not voting.

Voting in the affirmative, 24:

Barnett	Carpenter	Cavanaugh	DeCamp	Dickinson
Duis	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Keyes	Kime	F. Lewis
Maresh	Marsh	Marvel	Moylan	Murphy
Rasmussen	Schmit	Stahmer	Warner	

Voting in the negative, 18:

C. Carsten	Chambers	Clark	Epke	Kennedy
R. Lewis	Luedtke	Mahoney	Nore	Richendifer
Savage	Simpson	Skarda	Snyder	Stull
Syas	Whitney	Wiltse		

Not voting, 7:

Anderson	Burbach	F. Carstens	Kremer	Proud
Stromer	Waldron			

LB 677 failed to advance to E & R for Engrossment with 24 ayes, 18 nays and 7 not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

The following bills were correctly Re-engrossed: 94 and 678.

The following bills were correctly engrossed: 302, 681 and 1040.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Johnson asked unanimous consent to be excused the remainder of the evening. No objections. So ordered.

MOTION—Return LB 678 to Select File

Mr. Stahmer moved to return LB 678 to Select File for the following specific amendment:
Strike the Chambers amendment adopted 4-9-74 found on page 1567 of Journal.

Mr. Clark moved to adjourn until 9:00 a.m. tomorrow. The motion lost with 16 ayes, 18 nays and 15 not voting.

Mr. Stahmer moved for a Call of the House. The motion prevailed with 19 ayes, 16 nays and 14 not voting.

The Call showed 43 members present.

Mr. Stahmer moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Stahmer motion to return LB 678 to Select File lost with 20 ayes, 11 nays and 18 not voting.

UNANIMOUS CONSENT—Bracket LB 977 and LB 977A

Mr. Kennedy asked unanimous consent to bracket LB 977 and LB 977A on Final Reading. No objections. So ordered.

ADJOURNMENT

At 8:20 p.m., on a motion by Mr. F. Lewis, the Legislature adjourned until 9:01 a.m., Wednesday, April 10, 1974.

Vincent D. Brown
Clerk of the Legislature

FIFTY-NINTH DAY—APRIL 10, 1974

LEGISLATIVE JOURNAL

**EIGHTY-THIRD LEGISLATURE
SECOND SESSION**

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 10, 1974

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplin.

O Lord our God: we are aware of the things which You did in the fullness of time to make this a Holy Week; but we may not be aware of all the things we should be doing in our own time to keep it Holy.

By the example and spirit of the Holy One who once walked in our midst, inspire us.

May the days ahead when we recall His crucifixion and resurrection strengthen our faith, and issue in special blessing for all.

May the peace and joy of the Easter season be upon Nebraska's representatives, and upon all they serve. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson and Proud who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-eighth Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 168.

Introduced by Maresh, 32nd District.

WHEREAS, Nebraska is an agricultural state and a significant factor within the agriculture economy is represented by the livestock industry existing within Nebraska and the projected growth and development of

this industry and related agri-industry in support thereof can and will be substantial in future years, and

WHEREAS, the livestock industry depends upon the availability and assistance of trained veterinary practitioners for livestock care and treatment and for the prevention and eradication of communicable diseases in livestock, and

WHEREAS, Nebraska does not offer an educational program in state for training students toward a degree and licensing as a Doctor of Veterinary Medicine, and

WHEREAS, certain deficiencies may exist in this educational field due to the fact that many of the surrounding states offering this training have indicated that fewer and fewer Nebraska students may be accepted due to an increase in the demand for giving resident students priority over nonresident students, and

WHEREAS, 1974-75 applications by Nebraska resident students to out-state Colleges of Veterinary Medicine are now limited to approximately 17 enrollees and that it is estimated that Nebraska manpower needs in veterinary medicine are approximately 30 per year with the demand increasing with the growth and development of the livestock industry, and

WHEREAS, a critical need exists to determine the need in Nebraska for an expanded educational program to include a College of Veterinary Medicine to supply the livestock industry with trained DVM practitioners as necessary and to match the future needs of an expanded livestock industry in Nebraska.

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE 83RD LEGISLATURE OF NEBRASKA, IN SECOND SESSION ASSEMBLED, THAT:

(1) The Committee on Agriculture and Environment conduct an interim study to determine if legislation needs to be prepared and appropriations analyzed to determine the feasibility of establishing a College of Veterinary Medicine in Nebraska to train and qualify practitioners of Veterinary Medicine to meet the needs of the livestock industry and to provide, in addition, a facility for the continual educational training of licensed DVM to assure the industry of an adequate number of qualified and trained veterinarians to meet Nebraska's present and future needs, and

(2) To prepare such legislation as may be found to be necessary to effectuate the findings of the committee to remedy the problem of limited educational opportunities in the present program of utilizing out-state facilities, if such problem does, in fact, exist.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 169.

Introduced by Labor Committee: Maresh, 32nd District, Chairman; Cavanaugh, 9th District; Dickinson, 31st District; Kelly, 35th District; F. Carstens, 30th District.

WHEREAS, Workmen's Compensation Insurance is a vital industry in the state of Nebraska; and

WHEREAS, both the working person and the insurance industry are deeply concerned with economic impacts on such industry;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That the Labor Committee of the Legislature cause an interim study to be made of all compensation laws with the view to resolving economic impact on the employer, employee, and the insurance industry.

2. That such study be the subject of a series of public hearings and private study.

3. That the committee report its findings to the Eighty-fourth Legislature, First Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 170.

Introduced by Anderson, 37th District.

WHEREAS, an equitable distribution of state-aid to education funds is of crucial concern to all the taxpayers in the state; and

WHEREAS, the definition and computation of equalization aid is essential to the composition of this distribution; and

WHEREAS, the qualifying mill levy used to determine the distribution of equalization aid is of questionable value as a measure of either local district wealth or ability to financially support public school education; and

WHEREAS, the ramifications of the shift in the tax burden occasioned by increased state support of public school education are presently unclear; and

WHEREAS, since any method of taxation promotes certain objectives, it is of great importance that the economic and social results of this tax shift be made clear to the Nebraska citizen.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, SECOND SESSION:

1. That the Executive Board of the Legislature appoint a standing committee to conduct an interim study of all formulas utilized in the distribution of state aid to education and the result of the shift in tax burdens necessitated by such increased state aid.

2. That particular emphasis be placed on studying the results of using a qualifying mill levy to distribute equalization aid in order to determine if such distribution is equitable and if the intended purposes of equalization are in fact achieved.

3. That other measures of district economic wealth be studied to test their viability as a basis for distribution of equalization aid.

4. That the interim study committee consider the feasibility and fairness of relying on the property tax as a continuing base to support public school education.

5. That the interim study committee investigate ways of restructuring state income and sales tax procedures to promote greater equity.

6. That the committee make recommendations and report to the Eighty-fourth Legislature, First Session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 171.

Introduced by Anderson, 37th District.

WHEREAS, the development of postsecondary educational opportunities in the state has contributed immeasurably to the development of education in Nebraska; and

WHEREAS, there is a need for a coordination of efforts between the various systems whose purposes are to provide a broad spectrum of postsecondary educational opportunities; and

WHEREAS, the State of Nebraska does not have a legislative or executive policy on state-wide opportunities for postsecondary education; and

WHEREAS, a study committee should be appointed to investigate how postsecondary education could be improved through better planning, use, coordination, and financing of existing institutions; and

WHEREAS, a review and study of available opportunities and the need for the development of additional programs in Nebraska is necessary to aid in insuring adequate coordination and financing of such educational opportunities in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the cooperation and advice of the Public Postsecondary Coordinating Council and its staff be sought and utilized by a committee appointed by the Executive Board of the Legislative Council to determine what actions should be considered by the Legislature in order to achieve greater efficiency in postsecondary educational opportunities in Nebraska.

2. That such committee in cooperation with the council and any other entity or agency that the committee may find appropriate, undertake an

interim study and make a report of its findings, together with any recommendations, to the First Session of the Eighty-Fourth Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 172.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Wiltse, 1st District; Hasebroock, 18th District; R. Lewis, 38th District; Stromer, 36th District; Warner, 25th District; Moylan, 6th District.

WHEREAS, LB 749 was introduced and assigned to the Public Works Committee and a public hearing was held on the bill; and

WHEREAS, LB 749 resembles previous legislation which has been introduced and considered in the years immediately preceding the Eighty-Third Legislature, Second Session; and

WHEREAS, public power construction contracts are normally required to be on a sealed bid basis; and

WHEREAS, some public power construction contracts cannot be on a bid basis because of changing economic situations, regulatory criteria, or excessive costs; and

WHEREAS, statutory procedures and provisions for public power construction contracts may be inadequate in today's modern times.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council establish an interim study, to be assigned to the appropriate committee, to thoroughly examine the area of public power construction contracts and assess the current statutory provisions which govern these contracts to determine if any changes should be made in law to allow for construction of new facilities for the generation of electrical energy preserving the general public's financial interest in such public institutions without jeopardizing the protections which sealed-bid contracts afford.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 173.

Introduced by Carpenter, 48th District.

WHEREAS, there is need for a complete analysis and evaluation of the outside professional and consulting fees permitted by contract with employees of the State of Nebraska; and

WHEREAS, there is need for an evaluation of the agreements between the State of Nebraska and her employees relative to fee splitting; and

WHEREAS, there is need for an evaluation of procedures involving billing for fees and consulting services performed by employees of the

State in institutions of the State; and

WHEREAS, there is need to insure that the State is realizing reasonable compensation for the use of her facilities, services and personnel.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council appoint an interim study committee with the following responsibilities:

A. To study the agreements with employees of the State of Nebraska who are paid \$20,000 or more in State funds, and who earn \$10,000 or more in professional and consulting fees, and evaluate the equitability of current fee-splitting arrangements with employees of the State; and

B. To study the auditing and collection procedures relative to services performed by State employees and to insure that the State is reasonably compensated for use of her personnel and facilities.

2. That such study committee report to the next session of the Legislature the findings and any recommended legislation concerning the matters under study.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 174.

Introduced by Maresh, 32nd District; Epke, 24th District.

WHEREAS, flooding of Big Blue River in 1973 resulted in substantial damage to real and personal property and constituted a threat to human life at DeWitt and Beatrice, Nebraska; and

WHEREAS, such flooding exceeded all estimates of water level under the one hundred year flood predictions and the threat of future floods remains a serious threat to industrial and residential development within this flood plain; and

WHEREAS, numerous proposals have been considered for the development of flood control but no determination has ever been submitted which would indicate the feasibility and cost of the development of flood control measures; and

WHEREAS, such a study should be considered by the Legislature to prevent the reoccurrence of a flood as damaging as the flood of 1973.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council authorize the Committee on Agriculture and Environment to conduct public hearings during the interim to determine structural requirements for the development of flood protection in the big blue river valley and the cost of such improvements in order to avoid or prevent the reoccurrence of damaging floods in future years.

2. That the study incorporate the need for the development of additional recreational facilities in Nebraska and the feasibility of constructing structures for flood control that could be used for recreational purposes.

3. That the Committees study dyking approaches to property protection, together with the necessity for log jam removal in the course of the river and the cost and manner of assessment of such costs, taking into consideration the benefits resulting from such construction and work to the adjacent landowners, private or corporate.

4. That the committee report to the next regular session of the Legislature the results of its study together with its recommendations.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 175.

Introduced by R. Lewis, 38th District.

WHEREAS, legislation was proposed in the Eighty-third Legislature, Second Session affecting all public power entities; and

WHEREAS, the proposed legislation was not enacted; and

WHEREAS, the energy crisis has created numerous complex issues which need to be addressed; and

WHEREAS, it is desirable that the Legislature periodically undertake a detailed study and analysis of the public power system and problems related thereto as an aid to the enactment of possible legislation; and

WHEREAS, the Legislature has the responsibility to ultimately see that the public power districts provide the citizens of the State of Nebraska with an efficient and economical power supply.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Executive Board of the Legislative Council appoint a committee to study various areas of the public power system.

2. That this study include an analysis of rate charges and the formula used to compute such rates.

3. That this study also include a justification of continued ratchet charges and the related formula for setting those charges.

4. That the committee make an analysis of wheeling charges and resulting determination of how maximum wheeling capacities are defined.

5. The committee make a survey of the grid transmission facilities and their completeness and ability to service all areas of the state.

6. That at the conclusion of the study such committee shall submit a report of its findings, together with any recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 176.

Introduced by Duis, 39th District.

WHEREAS, in response to Legislative Resolution 84 of the 1972 legislative session the Governor directed a number of State agencies to meet and consider whether the State was doing all it could or should to prevent floods and mitigate flood damages; and

WHEREAS, those agencies considered a number of problems, alternative or recommended solutions to those problems, all of which require policy and directive decision by legislation; and

WHEREAS, there are concurrent and overlapping statutory authorities in some instances, such as clearing and snagging of dead timber from watercourses, but very nominal funding or enforcement of existing statutes; and

WHEREAS, the failure to adequately keep watercourses clear of dead timber and debris contributes greatly to subsequent flood damage; and

WHEREAS, there is no single agency armed with authority, responsibility and adequate funding to coordinate the actions of citizens, agencies and governments which may affect the watercourses with detriment to others; and

WHEREAS, there is a need for comprehensive legislation and legislative policy decision in those regards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Public Works Committee conduct an interim study to determine the nature of legislation to provide an Agency of State Government with the authority and responsibility to coordinate the actions of citizens, agencies and governments of Nebraska which may affect the watercourses of the State and thus the public safety, health and welfare of our citizens and to introduce such legislation at the 1975 session to include recommendations in legislative form for such other measures and levels of appropriations as are needed to adequately cope with the perennial flooding problems.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 177.

Introduced by Public Health and Welfare Committee: Kennedy, 21st District, Chairman; R. Lewis, 38th District; Goodrich, 20th District; Cavanaugh, 9th District; Schmit, 23rd District; Maresh, 32nd District; F. Lewis, 45th District.

WHEREAS Rehabilitation Services are designed to develop, improve or restore the working usefulness of handicapped individuals to the degree

that they may be satisfactorily employed.

WHEREAS mentally and physically impaired citizens of our state represent a significant resource if properly cared for and attended to.

WHEREAS significant federal and state funds are allocated annually for Rehabilitation Services.

WHEREAS the administrative details in Nebraska involved in the processing, diagnosing, evaluating, counseling and administering assistance to the handicapped has, in the course of time, become so complicated that it may very well have reached self-defeating proportions.

WHEREAS various divisions of Rehabilitation Services in Nebraska have, from time to time, been unreceptive to the needs of individuals in dire need of assistance.

NOW, THEREFORE, BE IT RESOLVED, BY THIS THE 83rd LEGISLATURE, IN SECOND SESSION ASSEMBLED:

That the Executive Board appoint a Health and Welfare committee to examine all Rehabilitation Services existing in the State of Nebraska.

Referred to the Executive Board.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules to read bills set for 4/11 today and that the following bills be read first: LB 1053, LB 1054, LB 1055, LB 1057, LB 1058, LB 1059, LB 1049, LB 787, and upon final passage of each of these bills the correctly enrolled bill be expeditiously sent to the Governor for his final consideration, and that the Legislature not adjourn today until the budget bills have either been signed into law or returned to this body with the Governor's objections or that, if the Governor fails to take either such action, when we adjourn today, we adjourn until April 18 as the 60th day.

Mr. Syas requested a division of the question.

The first part of the Marvel motion to read tomorrow's Final Reading starting with budget bills prevailed with 42 ayes, 0 nays and 7 not voting.

Mr. Simpson requested a record vote on the second part of the Marvel motion to meet April 18.

Voting in the affirmative, 27:

Barnett	Burbach	F. Carstens	Cavanaugh	Clark
DeCamp	Dickinson	Fellman	Fowler	Goodrich
Johnson	Kelly	Kremer	R. Lewis	Luedtke
Marsh	Marvel	Murphy	Nore	Schmit
Simpson	Snyder	Stahmer	Stull	Syas
Warner	Wiltse			

Voting in the negative, 19:

Carpenter	C. Carsten	Chambers	Epke	Hasebroock
Kennedy	Keyes	Kime	F. Lewis	Mahoney
Maresh	Moylan	Rasmussen	Richendifer	Savage
Skarda	Stromer	Waldron	Whitney	

Not voting, 3:

Anderson	Duis	Proud
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The second part of the Marvel motion lost with 27 ayes, 19 nays and 3 not voting.

The Marvel motion, as amended, prevailed with 37 ayes, 0 nays and 12 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Warner asked unanimous consent the Journal show that Senator Proud is excused because of his mother's death and that her funeral is April 11th at Arapahoe, Nebraska.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1053. With Emergency.

A BILL FOR AN ACT making appropriations for certain agencies of state government for the period July 1, 1974 to June 30, 1975; to recite limits and conditions on the expenditures of funds from the appropriations so made; to amend section 57, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Barnett	Burbach	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney

Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Anderson Carpenter Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1054. With Emergency.

A BILL FOR AN ACT making appropriations for certain agencies of state government for the period July 1, 1974 to June 30, 1975; to recite limits and conditions on the expenditures of funds from the appropriations so made; to amend section 4, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974, and sections 81-153 and 81-1118, Reissue Revised Statutes of Nebraska, 1943; to change appropriations; to change purchasing and contracting provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebrook	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mareh	Marsh
Marvel	Moylan	Murphy	Nore	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Stahmer	Stromer	Syas	Waldron	Whitney
Wiltse				

Voting in the negative, 5:

Clark DeCamp Snyder Stull Warner

Not voting, 3:

Anderson Mahoney Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS

Enrollment and Review

The following bill was correctly enrolled: 1053.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bill: 1053.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1055. With Emergency.

A BILL FOR AN ACT making appropriations and reappropriations for capital construction and improvements and land acquisition; to provide conditons; to provide for lapsing; to amend section 29, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, with project cost and items of appropriation reduced pursuant to authority granted by Article IV, section 15, of the Constitution of Nebraska; to provide severability; to repeal the original section, and also sections 32, 33, and 70, Legislative Bill 256, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney

Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0:

Not voting, 3:

Anderson Kennedy Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS

Enrollment and Review

The following bill was correctly enrolled: 1054.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bill: 1054.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1057. With Emergency.

A BILL FOR AN ACT making appropriations for Agency No. 83 -- State Board of Technical Community Colleges for the period of July 1, 1974 to June 30, 1975; to recite limits and conditions on the expenditures of funds from the appropriations so made; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Keyes	Kime
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Anderson	Kennedy	F. Lewis	Proud	Schmit
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORT Enrollment and Review

The following bill was correctly enrolled: 1055.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bill: 1055.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1058. With Emergency.

A BILL FOR AN ACT relating to capital construction; to make appropriations and reappropriations; to amend sections 35, 71, 72, 74, 75, 76, and 77, Legislative Bill 256, Eighty-third Legislature, First Session, 1973; to redesignate the University of Nebraska Scottsbluff Experimental Station as the Panhandle Station; to provide for lapsing; to provide severability; to repeal the original sections, and also section 7, Legislative

Bill 579, Eighty-third Legislature, First Session, 1973, and section 27, Legislative Bill 256, Eighty-third Legislature, First Session, 1973, as amended by section 1, Legislative Bill 676, Eighty-third Legislature, Second Session, 1974; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Barnett	Burbach	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Anderson Carpenter Kennedy Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1059. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend sections 11, 23, 41, 44, 46, 50, 52, 59, 67, and 74, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, and sections 3, 43, 48, 49, 51, 64, and 79, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, as amended respectively by sections 1, 10, 11, 12, 13, 16, and 17, Legislative Bill 582, Eighty-third Legislature, First Session, 1973; to increase certain appropriations; to reallocate certain appropriations; to provide duties for the Governor; to require reports of certain University of Nebraska faculty members as prescribed; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Barnett	Burbach	Carpenter	C. Carsten	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Anderson F. Carstens Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS Enrollment and Review

The following bills were correctly enrolled: 1057 and 1058.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1057 and 1058.

BILLS ON FINAL READING

The following bills was read and put upon final passage:

LEGISLATIVE BILL 1049. With Emergency.

A BILL FOR AN ACT to make appropriations for the payment of miscellaneous claims against the state; to provide how payments shall be made; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Barnett	Burbach	Carpenter	C. Carsten	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Nore	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Anderson	F. Carstens	Epke	Murphy	Proud
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 787. With Emergency.

A BILL FOR AN ACT to amend section 1, Legislative Bill 445A, Eighty-third Legislature, First Session, 1973; to increase the appropriation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Barnett	Burbach	Carpenter	C. Carsten	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Anderson F. Carstens Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORT
Enrollment and Review

The following bill was correctly enrolled: 1059.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bill: 1059.

UNANIMOUS CONSENT—Bracket LB 254A

Mrs. Marsh asked unanimous consent to bracket LB 254A on Final Reading. No objections. So ordered.

PRESENTED TO GOVERNOR

Presented to the Governor for approval on April 10, 1974, at 11:15 a.m. was the following: LB 1053.

Presented to the Governor for approval on April 10, 1974, at 11:45 a.m. was the following: LB 1054.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Final Reading

Mr. Simpson moved after reading LB 787 to follow with eligible bills that have "A" bills or appropriations plus LB 131.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

The following bill was correctly enrolled: 1049.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bill: 1049.

SELECT COMMITTEE REPORTS**Enrollment and Review**

The following bill was correctly enrolled: 787.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bill: 787.

RECESS

At 12:20 p.m., on a motion by Mr. Syas, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:46 p.m., President Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson and Proud who were excused.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 10, 1974, at 12:00 noon, were the following: LB 1055, LB 1057 and LB 1058.

Presented to the Governor for approval on April 10, 1974, at 12:25 p.m., was the following: LB 1059.

Presented to the Governor for approval on April 10, 1974, at 1:25 p.m., were the following: LB 787 and LB 1049.

(Signed) Barbara Jackson, Enrolling Clerk

RESOLUTIONS**LEGISLATIVE RESOLUTION 178.**

Introduced by Carpenter, 48th District.

WHEREAS, J. G. Elliott, Regent of the University of Nebraska, died April 10, 1974, following open heart surgery, and

WHEREAS, his untimely death takes from the State of Nebraska one of its proud citizens who firmly believed that service to his state went beyond a pledge of good citizenship, and

WHEREAS, Jack Elliott practiced this belief to the utmost for most of his nearly 80 years as he served his fellow Nebraskans--with most of the last 22 years as a member of the Board of Regents of the Uninversity of Nebraska, and

WHEREAS, as a Regent, he helped make those decisions which enabled the University of Nebraska to take its place among the great universities as it provided the men and women of this state with greatest possible opportunity for higher education.

THEREFORE, BE IT RESOLVED that the Legislature of the State of Nebraska express its deep regret at the death of Jack Elliott and officially recognize the contribution this man made to the University of Nebraska and to all of Nebraska during his lifetime.

BE IT FURTHER RESOLVED that the Legislature of the State of Nebraska extend to the family of J. G. Elliott its sincere sympathy.

LEGISLATIVE RESOLUTION 179.

Introduced by Stahmer, 8th District.

WHEREAS, there is a continuing decline of population in certain areas of the state, which makes it difficult to properly organize and staff local units of government dealing with human services; and

WHEREAS, there is a continuing rapid growth of population in other areas of the state, which makes it difficult for local units of government to avoid duplication and omission of programs dealing with human services; and

WHEREAS, it is difficult to organize the delivery of human service needs from a single location in the state; and

WHEREAS, there are now numerous agencies in the state dealing with human services that have offices in some areas and not in others, making it necessary for some citizens to travel from building to building, and city to city to have their needs cared for; and

WHEREAS, it is the first duty of the state to meet the personal needs of its citizens with as little duplication and waste as possible, together with ensuring that no area of the state is omitted from the delivery of human services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a select committee of senators be appointed to conduct a thorough study of the current delivery of human service programs, giving special attention to (a) the elimination of waste and duplication, (b) areas lacking sufficient human service programs, (c) ease of accessibility to human service programs, (d) the maximum amount of local control, and (e) the desirability of regional organization of such programs with the maximum amount of state funding on a basis equitable to all regions of the state. Such human service programs to be studied would include, but not be limited to:

- (A) Mental Retardation
- (B) Mental Health
- (C) Public Health
- (D) Vocational Rehabilitation
- (E) Youth Services
- (F) Special Education
- (G) Corrections
- (H) Welfare

2. That such committee, at the conclusion of its study, submit a report of its findings and recommendations for legislation to the next session of the Legislature.

Referred to the Executive Board.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 875.

A BILL FOR AN ACT to amend section 14-1821, Revised Statutes Supplement, 1972, relating to metropolitan transit authorities; to increase the maximum mill levy; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	DeCamp	Duis	Fellman	Goodrich
Hasebroock	Kelly	Keyes	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan

Nore	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Whitney	Wiltse		

Voting in the negative, 1:

Clark

Not voting, 15:

Anderson	Chambers	Dickinson	Epke	Fowler
Johnson	Kennedy	Kime	Kremer	R. Lewis
Murphy	Proud	Rasmussen	Waldron	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 875A.

A BILL FOR AN ACT to appropriate one million dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Roads, Agency No. 27 for Program 305, Assistance to Local Transit Authorities, to aid in carrying out the provisions of Legislative Bill 875, Eighty-third Legislature, Second Session, 1974; and to provide duties for the Department of Roads.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Barnett	Carpenter	C. Carsten	F. Carstens	Cavanaugh
DeCamp	Duis	Fellman	Fowler	Goodrich
Hasebroock	Keyes	F. Lewis	Luedtke	Mahoney
Marsh	Marvel	Moylan	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Syas	Waldron	Wiltse	

Voting in the negative, 10:

Burbach	Clark	Kelly	Kennedy	Kremer
R. Lewis	Maresh	Stull	Warner	Whitney

Not voting, 10:

Anderson	Chambers	Dickinson	Epke	Johnson
Kime	Murphy	Nore	Proud	Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Snyder asked unanimous consent to hold LB 875 and LB 875A. No objections. So ordered.

MOTION—Reconsider Action on LB 875A

Mr. Chambers moved to reconsider action on LB 875A on Final Reading. The motion lost with 28 ayes, 8 nays and 13 not voting.

Mr. Goodrich asked unanimous consent to take another vote on the motion to reconsider. No objections. So ordered.

Mr. Savage moved for a Call of the House. The motion prevailed with 23 ayes, 13 nays and 13 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

The motion to reconsider action on LB 875A prevailed with 30 ayes, 14 nays and 5 not voting.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	DeCamp	Duis	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Keyes
F. Lewis	Luedtke	Mahoney	Marsh	Marvel
Moylan	Nore	Richendifer	Savage	Simpson
Skarda	Snyder	Stahmer	Syas	Waldron

Voting in the negative, 14:

Clark	Kelly	Kennedy	Kime	Kremer
R. Lewis	Maresh	Murphy	Rasmussen	Schmit
Stull	Warner	Whitney	Wiltse	

Not voting, 5:

Anderson	Dickinson	Epke	Proud	Stromer
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

BILLS ON FINAL READING

The following bills were read and put upon final reading:

LEGISLATIVE BILL 1028. With Emergency.

A BILL FOR AN ACT relating to monopolies and unlawful combinations; to provide for the institution of actions and the recovery of damages; to provide for construction; to provide for an antitrust division in the Department of Justice; to amend section 59-821, 59-828, and 84-211, Reissue Revised Statutes of Nebraska, 1943; to adopt the Consumer Protection Act; to provide severability; to repeal the original sections, and also section 59-509 and Chapter 59, articles 2, 4, 6, 9, and 10, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Keyes	Kime	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	

Voting in the negative, 5:

Clark	Kennedy	Kremer	Warner	Whitney
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Not voting, 5:

Anderson	Marvel	Proud	Waldron	Wiltse
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1028A. With Emergency.

A BILL FOR AN ACT to appropriate two hundred fifty thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Justice, Agency No. 11 for Program 507,

Interpretation and Application of Law, to aid in carrying out the provisions of Legislative Bill 1028, Eighty-third Legislature, Second Session, 1974; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 37:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Keyes	Kime	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Murphy
Nore	Rasmussen	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Warner			

Voting in the negative, 5:

Clark	Kennedy	Kremer	Whitney	Wiltse
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Not voting, 7:

Anderson	DeCamp	R. Lewis	Marvel	Proud
Richendifer	Waldron			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 131.

A BILL FOR AN ACT to amend section 23-362, Reissue Revised Statutes of Nebraska, 1943, relating to law enforcement; to change provisions for payments to counties; and to repeal the original section, and also section 23-364, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich

Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Anderson	F. Lewis	Proud
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 826. With Emergency.

A BILL FOR AN ACT to amend sections 71-4601 to 71-4609, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to adopt the Uniform Standard Code for Mobile Homes and Recreational Vehicles; to amend section 60-1411.02, Revised Statutes Supplement, 1972; to extend provisions to include modular homes; to authorize suspension or revocation of a license by the Nebraska Motor Vehicle Industry Licensing Board for violation of such code; to restrict the Electrical Division Fund; to provide severability; to provide an operative date; to repeal the original sections, and also sections 81-553 to 81-570, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Marsh
Marvel	Moylan	Murphy	Nore	Rasmussen
Richendifer	Savage	Simpson	Skarda	Snyder
Stahmer	Stromer	Syas	Waldron	Wiltse

Voting in the negative, 5:

Clark	Maresh	Schmit	Stull	Warner
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Not voting, 4:

Anderson	Kime	Proud	Whitney
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 826A.

A BILL FOR AN ACT to appropriate two hundred seven thousand eight hundred twenty dollars from the Mobile Home and Recreational Vehicle Cash Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Health, Agency No. 20 for Program 514, Community Health Services, to aid in carrying out the provisions of Legislative Bill 826, Eighty-third Legislature, Second Session, 1974.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kremer	F. Lewis	Luedtke	Marsh	Marvel
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stromer	Syas	Waldron	Warner	Wiltse

Voting in the negative, 3:

Kime	Maresh	Stull
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Not voting, 6:

Anderson	R. Lewis	Mahoney	Proud	Stahmer
Whitney				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 834.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1972, relating to public welfare; to increase maximum payments for aid to dependent children; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Kelly	Kennedy	Keyes	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Anderson	Clark	Johnson	Kime	Proud
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 834A.

A BILL FOR AN ACT to appropriate one million five hundred thousand dollars from the state General Fund and two million seventy thousand dollars from federal funds for the period of July 1, 1974 to June 30, 1975 to the Department of Public Welfare, Agency No. 26, for Program 341, Public Assistance, to aid in carrying out the the provisions of Legislative Bill 834, Eighty-third Legislature, Second Session, 1974.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	DeCamp	Dickinson	Duis

Epke	Fellman	Fowler	Goodrich	Hasebroock
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Rasmussen	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Anderson	Clark	Johnson	Proud	Richendifer
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MESSAGE FROM THE GOVERNOR

April 10, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 1057, 1058, and 1059.

These bills were signed by me on April 10, 1974 as passed and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS Enrollment and Review

The following bills were correctly enrolled: 875, 875A, 1028 and 1028A.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 875, 875A, 1028 and 1028A.

ANNOUNCEMENT

The Clerk announced this is the last day to put in study resolutions.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 983. With Emergency.

A BILL FOR AN ACT to amend sections 55-106, 55-117, 55-120, 55-121, 55-125, and 55-159, Revised Statutes Supplement, 1972, relating to the militia; to change membership exemptions; to provide for active service; to harmonize with other legislation; to provide for positions, qualifications, and salaries; to provide for workmen's compensation benefits; to provide for an enlistment or reenlistment bonus; to provide for recruitment and strength maintenance activities; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Anderson	F. Lewis	Proud
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 983A. With Emergency.

A BILL FOR AN ACT to appropriate five hundred fifty thousand dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Military Department, Agency No. 31, for Program 544, National and State Guard and General Support, to aid in carrying out the provisions of Legislative Bill 983, Eighty-third Legislature, Second Session, 1974; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Richendifer	Savage	Schmit	Simpson	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Anderson	Dickinson	Kime	Proud	Rasmussen
Skarda				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 861. With Emergency.

A BILL FOR AN ACT relating to public records; to redesignate the Records Management Act as the Public Records Act; to create the Department of Public Records as prescribed; to provide for transfer; to provide duties; to provide penalties; to amend sections 84-1201 to 84-1204, 84-1206 to 84-1212, 84-1214, 84-1214.01, and 84-1215 to

84-1220, Reissue Revised Statutes of Nebraska, 1943, and sections 84-1213 and 84-1213.01 Revised Statutes Supplement, 1973; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Keyes	Kremer
Luedtke	Mahoney	Maresch	Marsh	Moylan
Murphy	Nore	Savage	Schmit	Simpson
Skarda	Snyder	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 1:

R. Lewis

Not voting, 9:

Anderson	Kennedy	Kime	F. Lewis	Marvel
Proud	Rasmussen	Richendifer	Stahmer	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 861A. With Emergency.

A BILL FOR AN ACT to make an appropriation to aid in carrying out the provisions of Legislative Bill 861, Eighty-third Legislature, Second Session, 1974; to amend section 7, Legislative Bill 997, Eighty-third Legislature, Second Session, 1974; to provide for the drawing and issuance of warrants; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Clark	DeCamp	Dickinson	Duis

Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Keyes	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Murphy
Nore	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Anderson	Chambers	Kennedy	Kime	R. Lewis
Marvel	Moylan	Proud	Rasmussen	Richendifer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 945. With Emergency.

A BILL FOR AN ACT to provide for the erection of a state office building at Omaha, Nebraska, as prescribed; to provide for leases and subleases as prescribed; to provide for funding and make appropriations; to amend section 77-2602, Revised Statutes Supplement, 1973; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Burbach	Carpenter	C. Carsten	Cavanaugh	Chambers
DeCamp	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Keyes	Kremer	F. Lewis	Luedtke	Mahoney
Marsh	Marvel	Moylan	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Syas	Waldron	Wiltse		

Voting in the negative, 6:

Barnett	Kennedy	Kime	R. Lewis	Rasmussen
Warner				

Not voting, 10:

Anderson	F. Carstens	Clark	Maresh	Murphy
Nore	Proud	Richendifer	Stull	Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 692. Laid over at the request of Mr. Murphy.

EXPLANATION OF VOTE

Had I been present I would have voted "aye" on LB 945.

(Signed) Blair Richendifer

MOTION—Adjournment

Mr. Mahoney moved that when we adjourn today, we adjourn until 9:00 a.m. in the morning.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays and 15 not voting.

Mr. Nore requested a record vote.

Voting in the affirmative, 25:

Carpenter	C. Carsten	Cavanaugh	Chambers	Clark
DeCamp	Dickinson	Duis	Goodrich	Hasebrook
Kennedy	Keyes	Kime	F. Lewis	Mahoney
Maresh	Moylan	Rasmussen	Richendifer	Savage
Skarda	Stromer	Waldron	Whitney	Wiltse

Voting in the negative, 19:

Barnett	Burbach	F. Carstens	Fowler	Kelly
Kremer	R. Lewis	Luedtke	Marsh	Marvel
Murphy	Nore	Schmit	Simpson	Snyder
Stahmer	Stull	Syas	Warner	

Not voting, 5:

Anderson	Epke	Fellman	Johnson	Proud
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The motion prevailed with 25 ayes, 19 nays and 5 not voting.

SELECT COMMITTEE REPORTS**Enrollment and Review**

The following bills were correctly enrolled: 131, 826, 826A, 834, and 834A.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LB 131, LB 826, LB 826A, LB 834, and LB 834A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 821.

A BILL FOR AN ACT to amend sections 60-311.07, 60-312, 60-323, 60-339, 77-1240, 77-1240.03, and 77-1241.01, Reissue Revised Statutes of Nebraska, 1943, sections 60-302, 60-303, 60-305.04, 60-305.11, 60-310, 60-315, 60-331, 60-403.01, and 77-1238, Revised Statutes Supplement, 1972, section 60-301, Revised Statutes Supplement, 1973, and section 60-407, Revised Statutes Supplement, 1973, as amended by section 1, Legislative Bill 611, Eighty-third Legislature, Second Session, 1974, relating to motor vehicles; to change the method of registering and taxing certain motor vehicles; to provide for limited permits for motorcycle operators; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Barnett	Carpenter	C. Carsten	F. Carstens	Cavanaugh
Chambers	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Johnson	Kelly
Keyes	Kime	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Murphy
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Waldron	Warner
Wiltse				

Voting in the negative, 6:

Burbach	Hasebroock	Kennedy	Nore	Richendifer
Syas				

Not voting, 7:

Anderson	Clark	F. Lewis	Marvel	Proud
Rasmussen	Whitney			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 754.

A BILL FOR AN ACT to amend sections 60-1401.02, 60-1403.01, 60-1404, 60-1406, 60-1407.03, 60-1407.06, 60-1409, 60-1411.01, 60-1411.03, 60-1415, 60-1416, 60-1417, and 60-1419, Revised Statutes Supplement, 1972, section 60-1402, Revised Statutes Supplement, 1973, and section 60-1411.02, Revised Statutes Supplement, 1972, as amended by section 10, Legislative Bill 826, Eighty-third Legislature, Second Session, 1974, relating to motor vehicles; to redefine terms; to provide a per diem; to provide disqualifications for any license; to provide for an attorney; to provide for the use of funds; to permit specified sales other than at the established place of business; to change fees; to grant power to deny any application for license or to revoke or suspend any license for employment of an unlicensed salesman; to change provisions for unauthorized acts; to change the penalty for acting as dealer without a license; to provide for showing whether a sale is pursuant to a warranty; to provide the time to keep copies of instruments; to increase the penal provisions of bonds; to require the taking of title when selling on consignment except as prescribed; to provide procedures; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Johnson
Kelly	Kennedy	Keyes	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Anderson	Cavanaugh	Hasebroock	Kime	Marvel
Proud	Waldron			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 754A.

A BILL FOR AN ACT to appropriate fourteen thousand six hundred dollars from the Nebraska Motor Vehicle Industry Licensing Fund for the period of July 1, 1974 to June 30, 1975 to the Nebraska Motor Vehicle Industry Licensing Board, Agency No. 40 for Program 076, Enforcement of Standards Automotive Industry, to aid in carrying out the provisions of Legislative Bill 754, Eighty-third Legislature, Second Session, 1974.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Kelly	Kennedy	Keyes	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Anderson	Hasebroock	Johnson	Kime	Marvel
Proud	Waldron			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS

Enrollment and Review

The following bills were correctly enrolled: 983, 983A, 861, 861A and 945.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 983, 983A, 861, 861A and 945.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 922. With Emergency.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to establish standards for all audit, financial, or accounting reports filed with the Auditor of Public Accounts as prescribed; to provide duties; to provide for performance audits of certain political subdivisions; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Barnett	Burbach	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kremer
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Anderson	Carpenter	Kime	Mahoney	Marvel
Proud				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 960.

A BILL FOR AN ACT relating to personal property; to provide for the disposition of property as to which services have been performed or money or material advanced; to amend sections 52-603 and 52-604,

Reissue Revised Statutes of Nebraska, 1943; to change the manner of sale and the disposition of funds; and to repeal the original sections, and also section 52-602, Reissue Revised Statutes of Nebraska, 1943, and section 52-601, Revised Statutes Supplement, 1972.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Burbach	C. Carsten	F. Carstens	Cavanaugh	Chambers
DeCamp	Duis	Fellman	Fowler	Goodrich
Kelly	Kennedy	Keyes	Kremer	Luedtke
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Skarda	Snyder	Stahmer	Stull
Syas	Wiltse			

Voting in the negative, 12:

Barnett	Clark	Dickinson	Hasebroock	Johnson
Marsh	Schmit	Simpson	Stromer	Waldron
Warner	Whitney			

Not voting, 10:

Anderson	Carpenter	Epke	Kime	F. Lewis
R. Lewis	Mahoney	Maresh	Marvel	Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 805.

A BILL FOR AN ACT to amend section 93-1311, Revised Statutes Supplement, 1972, relating to state highways; to require the state to maintain a map of the corridors of the state as prescribed; to require building permits and provide procedures related thereto; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Barnett	Burbach	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson

Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Nore	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Anderson	Carpenter	Duis	Marvel	Proud
Waldron				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Suspend Rules

Mr. Waldron moved to suspend the rules to consider LR 134 on General File.

Mr. Waldron requested a record vote.

Voting in the affirmative, 16:

Chambers	Clark	DeCamp	Fellman	Johnson
Kime	F. Lewis	Luedtke	Marsh	Marvel
Murphy	Savage	Schmit	Simpson	Stahmer
Waldron				

Voting in the negative, 22:

Barnett	C. Carstens	F. Carstens	Cavanaugh	Dickinson
Epke	Fowler	Goodrich	Kelly	Kennedy
Kremer	R. Lewis	Mahoney	Maresh	Moylan
Nore	Skarda	Snyder	Stull	Syas
Warner	Whitney			

Not voting, 11:

Anderson	Burbach	Carpenter	Duis	Hasebroock
Keyes	Proud	Rasmussen	Richendifer	Stromer
Wiltse				

The motion lost with 16 ayes, 22 nays and 11 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

The following bills were correctly enrolled: 821, 754, 754A.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 821, 754, 754A.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 10, 1974, at 2:55 p.m., were the following: LB 875, LB 875A, LB 1028 and LB 1028A.

Presented to the Governor for approval on April 10, 1974, at 3:30 p.m., were the following: LB 131, LB 826, LB 826A, LB 834 and LB 834A.

Presented to the Governor for approval on April 10, 1974, at 3:45 p.m., were the following: LB 983, LB 983A, LB 861, LB 861A and LB 945.

(Signed) Barbara Jackson, Enrolling Clerk

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 665.

A BILL FOR AN ACT to amend section 48-1202, Revised Statutes Supplement, 1973, relating to the minimum wage law; to redefine terms; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. F. Carstens requested a roll call vote.

Voting in the affirmative, 25:

C. Carsten	F. Carstens	Clark	DeCamp	Dickinson
Duis	Epke	Johnson	Kelly	Kennedy
Kime	Kremer	R. Lewis	Maresh	Marvel
Murphy	Nore	Rasmussen	Schmit	Snyder
Stromer	Stull	Syas	Whitney	Wiltse

Voting in the negative, 19:

Barnett	Burbach	Cavanaugh	Chambers	Fellman
Fowler	Goodrich	Keyes	F. Lewis	Luedtke
Mahoney	Marsh	Moylan	Richendifer	Savage
Simpson	Skarda	Stahmer	Waldron	

Not voting, 5:

Anderson	Carpenter	Hasebroock	Proud	Warner
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EASE

The Legislature was at ease from 4:05 p.m. until 4:21 p.m.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 785.

A BILL FOR AN ACT to amend section 24-805, Reissue Revised Statutes of Nebraska, 1943, and section 24-503, Revised Statutes Supplement, 1972, relating to courts; to create new county judge districts; to provide the manner of selection and retention of county judges; to provide for judicial nominating commissioners for the office of county judge; and to repeal the original sections.

Whereupon the President stated: 'All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Barnett	Burbach	C. Carsten	F. Carstens	Cavanaugh
Chambers	DeCamp	Dickinson	Duis	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Keyes
Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Warner	Wiltse	

Voting in the negative, 10:

Clark	Epke	Kelly	Kennedy	Kime
Rasmussen	Stromer	Stull	Waldron	Whitney

Not voting, 5:

Anderson Carpenter R. Lewis Proud Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Reconsider Action

Mr. Syas moved to reconsider action on LB 665 on Final Reading.

Mr. Syas moved for a Call of the House. The motion prevailed with 22 ayes, 21 nays and 6 not voting.

The Call showed 44 members present.

Mr. R. Lewis moved the Call be raised. The motion prevailed.

Mr. Syas requested a roll call vote on his motion to reconsider action on LB 665.

Voting in the affirmative, 23:

Barnett	Burbach	Cavanaugh	Chambers	Duis
Fellman	Fowler	Goodrich	Johnson	Keyes
F. Lewis	Luedtke	Mahoney	Marsh	Marvel
Moylan	Richendifer	Savage	Simpson	Skarda
Stahmer	Syas	Waldron		

Voting in the negative, 23:

C. Carsten	F. Carstens	Clark	DeCamp	Dickinson
Epke	Hasebroock	Kelly	Kennedy	Kime
Kremer	R. Lewis	Maresh	Murphy	Nore
Rasmussen	Schmit	Snyder	Stromer	Stull
Warner	Whitney	Wiltse		

Not voting, 3:

Anderson Carpenter Proud

The motion lost with 23 ayes, 23 nays and 3 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 620.

A BILL FOR AN ACT to amend sections 29-1816, 29-2204, 43-201, 43-205, 43-206.02, 43-209, 43-215, and 43-218, Reissue Revised Statutes of Nebraska, 1943, sections 43-202, 43-206, 43-206.03, and 43-208, Revised Statutes Supplement, 1972, sections 43-210 and 43-210.01, Revised Statutes Supplement, 1973, and section 4, Legislative Bill 733, Eighty-third Legislature, Second Session, 1974, relating to courts; to redefine terms; to provide constructions; to provide for juvenile court jurisdictions and procedures; to harmonize with other legislation; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Barnett	Burbach	F. Carstens	Cavanaugh	Chambers
Duis	Fellman	Fowler	Goodrich	Johnson
Kelly	Keyes	Kime	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Murphy	Nore	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Syas	Waldron	Warner	Wiltse	

Voting in the negative, 6:

C. Carsten	Clark	Epke	Rasmussen	Stull
Whitney				

Not voting, 9:

Anderson	Carpenter	DeCamp	Dickinson	Hasebrook
Kennedy	F. Lewis	Marvel	Proud	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 691.

A BILL FOR AN ACT to amend section 77-2734, Revised Statutes Supplement, 1973, relating to taxation; to define net income of cooperative organizations; to provide certain deductions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Barnett	Burbach	C. Carsten	F. Carstens	Chambers
Clark	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Schmit	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 1:

Simpson

Not voting, 4:

Anderson Carpenter Cavanaugh Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS

Enrollment and Review

The following bills were correctly enrolled: 805, 922, 960 and 665.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 805, 922, 960 and 665.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 693. With Emergency.

A BILL FOR AN ACT to amend sections 23-343.01 and 23-343.14, Reissue Revised Statutes of Nebraska, 1943, and sections 23-343.92 and 23-343.100, Revised Statutes Supplement, 1972, relating to hospitals; to provide that certain county boards may act as boards of trustees for certain facilities; to change the interest rate on certain warrants; to specify revenue sources for payment of bonds; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Barnett	Burbach	C. Carsten	F. Carstens	Chambers
Clark	DeCamp	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Mareh	Marsh
Marvel	Moylan	Murphy	Nore	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Stahmer	Stromer	Stull	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 1:

Snyder

Not voting, 6:

Anderson	Carpenter	Cavanaugh	Dickinson	Proud
Syas				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 705.

A BILL FOR AN ACT to amend section 7-102, Reissue Revised Statutes of Nebraska, 1943, relating to attorneys at law; to provide an appeal procedure for individuals denied admission to the bar; to provide that the bar examination questions shall be public record; to provide for individual inspection of bar examination papers; and to repeal the original section, and also section 24-339, Revised Statutes Supplement, 1972, as amended by Legislative Bill 162, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barnett	Burbach	C. Carsten	Chambers	Clark
DeCamp	Dickinson	Epke	Fowler	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kremer

F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 13:

Anderson	Carpenter	F. Carstens	Cavanaugh	Duis
Fellman	Johnson	Kime	Marvel	Nore
Proud	Stahmer	Waldron		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 740.

A BILL FOR AN ACT to amend sections 24-710 and 84-1317, Revised Statutes Supplement, 1973, relating to retirement; to permit an election by certain retired judges; to provide exceptions from mandatory retirement; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barnett	Burbach	F. Carstens	Cavanaugh	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Hasebroock	Johnson	Kelly	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Schmit	Skarda
Snyder	Stahmer	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 4:

Clark	Simpson	Stull	Syas
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Not voting, 9:

Anderson	Carpenter	C. Carsten	Chambers	Goodrich
Kennedy	Marvel	Proud	Stromer	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT—Substitute LR 173

Mr. Carpenter asked unanimous consent to substitute the following resolution for LR 173. No objections. So ordered.

LEGISLATIVE RESOLUTION 173. Amended.

Introduced by Carpenter, 48th District.

WHEREAS, the State of Nebraska has a dire need for more physicians and other health care personnel, particularly in rural Nebraska; and

WHEREAS, a sound, state-supported medical center is the only reasonable hope for the training and development of such health care personnel; and

WHEREAS, it is imperative that a suitable level of compensation from a combination of state funds and professional fee income be provided in order to keep the University of Nebraska Medical Center competitive in compensation; and

WHEREAS, there is some concern about the present arrangement for disposition of professional fees earned by doctors on the faculty of the University of Nebraska Medical Center.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council appoint an interim study committee with the following responsibilities:

- a) To study the agreements currently in effect between the Board of Regents of the University of Nebraska and the employees of the University of Nebraska Medical Center relative to the disposition and management of professional fees earned in the University of Nebraska Medical Center facilities;
- b) To study the auditing and collection procedures relative to the fees earned by the faculty and staff for services performed at the University of Nebraska Medical Center;
- c) To discuss these findings with the Board of Regents of the University of Nebraska.

2. That such study committee report to the next session of the Legislature the findings and any recommended legislation concerning the matters under study.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 180.

Introduced by Fowler, 27th District.

WHEREAS, women and minorities have been refused credit by commercial lending institutions and are forced to pay a further penalty by utilizing the services of small loan companies who are permitted to charge higher interest rates; and

WHEREAS, widows, and separated and divorced women who have not established their own credit rating during marriage find themselves without any credit ratings and are often treated in the same manner as new applicants who have never had credit, even though they may have contributed a major share of the income of the family; and

WHEREAS, credit records are kept in the husband's name, even when the credit card is issued to a wife, making it virtually impossible for a married woman to establish a credit rating in her own name; and

WHEREAS, married women are often asked to have their husband's co-sign for charge accounts or credit cards, but are rarely asked to co-sign for their husband's credit cards; and

WHEREAS, minorities are often asked to provide co-signers or pay unreasonable deposits for utilities and loans; and

WHEREAS, there is a significant difference between the stated policies of lending institutions and the implementation of those policies by their employees; and

WHEREAS, it is in the best interest of the citizens of Nebraska that a study be made.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That an interim study be undertaken of credit practices in the State of Nebraska.

2. That the study include public hearings at which testimony and written statements would be presented by members of the affected classes and other concerned parties.

3. That establishments which utilize credit procedures be given an opportunity to present testimony and written statements.

4. That the Banking, Commerce and Insurance Committee of the Legislature serve as an interim study committee for the reasons and purposes set out above and that this committee is hereby authorized by the body to conduct such hearings as may be necessary to effectuate the intent and purpose of this resolution, and that such committee at the conclusion of its study submit a report, together with any recommendations to the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

The following bills were correctly enrolled: 785, 620 and 691.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 785, 620 and 691.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 10, 1974, at 4:10 p.m., were the following: LB 821, LB 754 and LB 754A.

(Signed) Barbara Jackson, Enrolling Clerk

VISITORS

President Marsh introduced 69 Sixth Grade students and their teachers from Paddock Lane School, Beatrice, Nebraska; 25 Eleventh and Twelfth Grade students and their teachers from East High, Lincoln, Nebraska; 21 Third Grade students and their teachers from Park School, Lincoln, Nebraska; 40 Senior High students and their teachers and bus driver from Hamburg High School, Hamburg, Iowa; 50 Second Grade students and their teachers from Clinton School, Lincoln, Nebraska; and 20 Fourth, Fifth and Sixth Grade students and their teachers from Omaha, Nebraska.

MOTION—Recess

Mr. Simpson moved to recess until 7:00 p.m. The motion lost.

ADJOURNMENT

At 5:06 p.m., on a motion by Mr. Syas, the Legislature adjourned until 9:00 a.m., Thursday, April 11, 1974.

Vincent D. Brown
Clerk of the Legislature

SIXTIETH DAY—APRIL 11, 1974

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
SECOND SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 11, 1974

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Marsh presiding.

PRAYER

The Prayer was offered by the Chaplain.

For the infinite variety of circumstances and situations, of issues and events, of joys and sorrow, which have marked the pathway from where we were at the start of this Session, to the place where we find ourselves this morning . . .

For the sheer privilege of having been brought together from our widely differing backgrounds and areas as members of one family in this House . . .

For those occasions when we have been able to see beyond our differences of opinion and political philosophy, and unite behind purposes which are larger than we are, and advance causes which are destined to outlive us . . .

For whatever use You have been able to make of us in serving the needs of others . . .

For the courage we have experienced in moments of heat and tension really to believe that what helps people is always right, and for anything and everything that has happened during this Session to translate that conviction into action . . .

For the record, good and not so good, to which we now may point with satisfaction, or criticize as less than satisfactory . . .

For those who have worked among us in committee and caucus, or quietly behind the scenes in less obvious roles to help the machinery of this House and this State to move on, as for families back home who have continued to support us when things have not gone smoothly here . . .

For the inner satisfaction we feel that we have been part of some things happening for good in our time, as for the penitence we feel that we could not have done more, that we did not do better . . .

For friendships we have formed here with each other, and with others, which will continue to have meaning and memory far beyond our associations here . . .

For the uncertain future which lies beyond today's Session, and the continuing crises with which it will confront all of us, and for the continuing dedication and devotion it will inspire from all men of good will . .

For such things as these we pray in special thanksgiving at this day's beginning, which marks this Session's ending,

O Lord, our God, Your love divine has led us in the past; In this free land, by You our lot is cast.

Still be our Ruler, Guardian, Guide and Stay, Your word our law, Your paths our chosen way.

ROLL CALL

The roll was called and all members were present except Messrs. Proud who was excused and F. Carstens who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-ninth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 10, 1974, at 5:10 p.m. were the following: LB 922, LB 960, LB 805 and LB 665.

Presented to the Governor for approval on April 10, 1974, at 5:28 p.m., were the following: LB 785, LB 620 and LB 691.

(Signed) Emory P. Burnett, E & R Attorney

SELECT COMMITTEE REPORTS **Enrollment and Review**

The following bills were correctly enrolled: 693, 705 and 740.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 693, 705 and 740.

UNANIMOUS CONSENT—Print in Journal

Mr. Burbach asked unanimous consent to have the following printed in the Journal. No objections. So ordered.

RESOLUTION OF
THE WINNEBAGO TRIBE OF NEBRASKA

Resolution No. 74-35

WHEREAS, the Winnebago Tribe of Nebraska is a Federal Corporation organized pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984) (25 USC 476) as amended by the Act of June 15, 1935 (49 Stat. 378), and

WHEREAS, under date of April 11, 1969, the Winnebago Tribal Council adopted Resolution No. 69-19 indicating opposition to any form of retrocession action as authorized by Resolution No. 37 adopted by the Nebraska State Legislature, and the Tribal Council requested to remain under the Civil and Criminal jurisdiction of the State of Nebraska, and

WHEREAS, during the past year the Law and Order services provided by Thurston County Nebraska law enforcement organization to the Winnebago Indian people has reached a point of complete inadequacy and inefficiency, and

WHEREAS, it is imperative that adequate, fair and equitable law and order services be provided on the Winnebago Indian Reservation at the earliest possible date, and

WHEREAS, under the Civil Rights Act of 1964, as amended, the United States has authority to accept retrocession of civil and criminal jurisdiction on Indian Reservations.

NOW THEREFORE, BE IT RESOLVED, that the Winnebago Tribal Council of the State of Nebraska now declares itself in favor of retrocession and requests the United States to assume full responsibility of providing adequate law and order services within the exterior boundaries of the Winnebago Reservation.

CERTIFICATION

We, the undersigned officers of the Winnebago Tribal Council, certify that on the 19th day of February, 1974, at a Special meeting duly convened, the Winnebago Tribal Council voted to adopt the above Resolution by a vote of 7 for and 0 against.

Dated this 19th day of February, 1974.

(Signed) Sam Tebo, Sr.
CHAIRMAN

ATTEST:

(Signed) LeRoy M. Walker
SECRETARY

MOTION—Suspend Rules

Mrs. Marsh moved to suspend the rules to read the Final Reading bills set for tomorrow today with LB 1056 and LB 1040 read first.

The motion prevailed with 35 ayes, 0 nays and 14 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1056. With Emergency.

A BILL FOR AN ACT to make appropriations and reappropriations for the period July 1, 1974 to June 30, 1975, for capital construction, improvements, and repair of state buildings and for land acquisition as prescribed; to cite limits and conditions on the expenditure of funds; to provide for lapsing; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 2:

F. Lewis Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1040.

A BILL FOR AN ACT relating to the Department of Correctional Services; to create divisions within the department; to provide and transfer functions, powers, duties, and responsibilities as prescribed; to harmonize provisions; to provide for plans for regional jails; to provide a minimum salary as prescribed; to make appropriations; to amend sections 47-106, 47-110, 47-111, 83-1,137, 83-1,138, 83-1,139, 83-1,140, and 83-4,103, Reissue Revised Statutes of Nebraska, 1943, sections 47-204 and 83-1,105, Revised Statutes Supplement, 1972, and section 83-1,136, Revised Statutes Supplement, 1973; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Anderson	Barnett	Carpenter	Cavanaugh	Chambers
DeCamp	Dickinson	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Keyes	F. Lewis
Luedtke	Mahoney	Marsh	Moylan	Murphy
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Stahmer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 14:

Burbach	C. Carsten	Clark	Duis	Epke
Kennedy	Kime	Kremer	R. Lewis	Maresh
Marvel	Nore	Snyder	Stromer	

Not voting, 2:

F. Carstens Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 692.

A BILL FOR AN ACT to amend section 2-1213, Revised Statutes Supplement, 1973, relating to horseracing; to permit horseracing on Sunday in certain counties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 12:

Cavanaugh	Fellman	Fowler	Kime	F. Lewis
Mahoney	Marsh	Moylan	Murphy	Schmit
Snyder	Stahmer			

Voting in the negative, 34:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kremer	R. Lewis	Luedtke
Maresh	Marvel	Nore	Rasmussen	Richendifer
Savage	Simpson	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Not voting, 3:

F. Carstens	Proud	Skarda
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Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 757.

A BILL FOR AN ACT relating to the development of real property; to require the filing of plats with the county assessor; to harmonize with other legislation; to provide additional authority for sanitary and improvement districts and change their election provisions; to amend sections 14-115, 15-106, 16-112, 17-405, 17-416, and 19-2508, Reissue Revised Statutes of Nebraska, 1943, section 31-735, Revised Statutes Supplement, 1972, sections 31-727, 31-728, 31-729, 31-739, 31-744, and 31-749, Revised Statutes Supplement, 1973, and section 31-740, Revised Statutes Supplement, 1973, as amended by section 1, Legislative Bill 629, Eighty-third Legislature, Second Session, 1974; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes

Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Nor voting, 2:

F. Carstens Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS

Enrollment and Review

The following bills were correctly enrolled: 1056 and 1040.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1056 and 1040.

UNANIMOUS CONSENT—Change of Order

Mr. Stahmer asked unanimous consent to read LB 94 and LB 302 next on Final Reading, which are the only two hold-over bills from last year. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 94. With Emergency.

A BILL FOR AN ACT to make appropriations to the University of Nebraska-Omaha Campus, Agency 51-2 and to the State Board of Technical Community Colleges, Agency No. 83; to provide for the drawing and payment of warrants; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Keyes	F. Lewis	Luedtke
Mahoney	Maresh	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 4:

Clark	Kennedy	Kime	Marsh
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Not voting, 5:

F. Carstens	Kremer	R. Lewis	Marvel	Proud
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 302. With Emergency.

A BILL FOR AN ACT relating to mental health; to adopt the Nebraska Comprehensive Community Mental Health Services Act; to amend section 83-1,143.06, Revised Statutes Supplement, 1973; to change mental retardation regions; to provide for service in different regions; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Chambers	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
R. Lewis	Luedtke	Maresh	Marsh	Moylan
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

F. Carstens	Cavanaugh	Clark	F. Lewis	Mahoney
Marvel	Murphy	Proud		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 780.

A BILL FOR AN ACT relating to taxation; to authorize certain counties to impose a sales tax on lodging; to provide definitions; to provide for collection of such tax; and to prescribe the use of the proceeds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Fellman requested a roll call vote.

Voting in the affirmative, 20:

Carpenter	DeCamp	Dickinson	Fellman	Goodrich
Hasebroock	Johnson	Keyes	Kremer	F. Lewis
Luedtke	Maresh	Marsh	Moylan	Savage
Snyder	Stahmer	Waldron	Whitney	Wiltse

Voting in the negative, 26:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
Chambers	Clark	Duis	Epke	Fowler
Kelly	Kennedy	Kime	R. Lewis	Mahoney
Marvel	Murphy	Nore	Rasmussen	Schmit
Simpson	Skarda	Stromer	Stull	Syas
Warner				

Not voting, 3:

F. Carstens	Proud	Richendifer
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Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 782.

A BILL FOR AN ACT relating to jails; to state policy; to provide for a county board of corrections and a division of corrections in certain counties as prescribed; to amend section 23-1723, Revised Statutes Supplement, 1972; to enlarge the sheriff's office merit commission; to provide for status; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 28:

Anderson	Burbach	Carpenter	Cavanaugh	Chambers
Clark	DeCamp	Dickinson	Epke	Fellman
Fowler	Hasebroock	Johnson	Kelly	Keyes
F. Lewis	Luedtke	Mahoney	Marsh	Moylan
Richendifer	Schmit	Skarda	Stahmer	Stull
Waldron	Whitney	Wiltse		

Voting in the negative, 16:

Barnett	C. Carsten	Duis	Goodrich	Kime
Kremer	R. Lewis	Maresh	Murphy	Nore
Savage	Simpson	Snyder	Stromer	Syas
Warner				

Not voting, 5:

F. Carstens	Kennedy	Marvel	Proud	Rasmussen
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 819. With Emergency.

A BILL FOR AN ACT to amend sections 48-807, 48-808, 48-814, 48-815, and 84-901, Reissue Revised Statutes of Nebraska, 1943, and sections 48-804, 48-813, and 48-838, Revised Statutes Supplement, 1972, relating to the Court of Industrial Relations; to permit a change in office location; to provide for a court clerk; to provide procedures and exemptions from Chapter 84, article 9; to remove the power to issue summons; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 37:

Anderson	Barnett	Burbach	Carpenter	Cavanaugh
Chambers	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Keyes	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Syas	Waldron
Warner	Whitney			

Voting in the negative, 9:

C. Carsten	Clark	Kennedy	Kime	R. Lewis
Nore	Rasmussen	Stull	Wiltse	

Not voting, 3:

F. Carstens	Murphy	Proud
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS Enrollment and Review

The following bills were correctly enrolled: 757, 94 and 302.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 757, 94, and 302.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 820. With Emergency.

A BILL FOR AN ACT to amend sections 77-2702 and 77-2703, Reissue Revised Statutes of Nebraska, 1943, and sections 77-27,149, 77-27,150, 77-27,151, and 77-27,155, Revised Statutes Supplement, 1972, relating to revenue and taxation; to redefine terms; to provide a time for determination of the tax rate; to broaden the Water Pollution Control Tax

Refund Act to include air pollution; to extend the duties of the Department of Health and the Department of Environmental Control; to provide severability; to repeal the original sections, and also Legislative Bill 640, Eighty-third Legislature, Second Session, 1974; and to declare an emergency.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Snyder	Stahmer	Stromer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

F. Carstens	F. Lewis	Proud	Skarda	Waldron
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

POINT OF PERSONAL PRIVILEGE

Mr. Dickinson and members discussed a recent editorial in the World Herald on the food sales tax credit.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 825.

A BILL FOR AN ACT relating to community development; to define terms; to grant powers to cities of the primary class having a community development agency; to grant powers; to provide procedures; to provide concurrent and independent jurisdiction; and to provide for supplementary powers.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Anderson	Burbach	Carpenter	Cavanaugh	DeCamp
Duis	Fellman	Fowler	Hasebroock	Johnson
Keyes	F. Lewis	Luedtke	Mahoney	Moylan
Murphy	Savage	Simpson	Skarda	Snyder
Stahmer	Syas	Waldron	Warner	Wiltse

Voting in the negative, 11:

Barnett	Clark	Dickinson	Goodrich	Kennedy
Kremer	Maresh	Nore	Richendifer	Schmit
Stromer				

Not voting, 13:

C. Carsten	F. Carstens	Chambers	Epke	Kelly
Kime	R. Lewis	Marsh	Marvel	Proud
Rasmussen	Stull	Whitney		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 845.

A BILL FOR AN ACT to amend section 8-148.02, Revised Statutes Supplement, 1972, and section 8-152, Revised Statutes Supplement, 1973, relating to banks and banking; to increase the percentage of bank ownership of certain companies; to increase the interest rate for certain first mortgage loans; to designate bonds of the State of Israel as securities; to permit investment in such securities; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh

Marsh	Marvel	Moylan	Murphy	Nore
Richendifer	Schmit	Skarda	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

F. Carstens	Goodrich	Kime	Proud	Rasmussen
Savage	Simpson	Snyder		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 895.

A BILL FOR AN ACT to amend section 84-306.03, Revised Statutes Supplement, 1973, relating to the Auditor of Public Accounts; to increase the mileage allowance for state officers and employees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Clark	DeCamp	Duis	Epke
Fellman	Fowler	Goodrich	Hasebrook	Johnson
Keyes	Kremer	F. Lewis	Luedtke	Mahoney
Marsh	Marvel	Moylan	Nore	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 5:

Dickinson	Kelly	Kennedy	Mareh	Murphy
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Not voting, 5:

F. Carstens	Chambers	Kime	R. Lewis	Proud
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 913.

A BILL FOR AN ACT to amend section 76-238.01, Reissue Revised Statutes of Nebraska, 1943, relating to mortgages; to limit future advances except as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebrook
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Luedtke	Mahoney	Mareh
Marsh	Marvel	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

F. Carstens	Chambers	F. Lewis	Proud	Stromer
Waldron				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 914. With Emergency.

A BILL FOR AN ACT relating to the Nebraska State Board of Agriculture; to authorize the board to enter into agreements to provide a grandstand, race track, and related facilities to be located on the Nebraska State Fairgrounds; to create a building fund; to provide an appropriation; to amend sections 72-1401 and 72-1402, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Mareh	Marsh	Marvel	Moylan	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

F. Carstens	F. Lewis	Murphy	Proud	Skarda
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 920. With Emergency.

A BILL FOR AN ACT to amend section 39-721, Revised Statutes Supplement, 1972, sections 39-723.06 and 39-723.07, Revised Statutes Supplement, 1973, section 39-6,108, Revised Statutes Supplement, 1973, as amended by section 11, Legislative Bill 829, Eighty-third Legislature, Second Session, 1974, and section 39-723.05, Revised Statutes Supplement, 1973, as amended by section 3, Legislative Bill 593, Eighty-third Legislature, Second Session, 1974, relating to rules of the road; to extend provisions for the posting of bonds; to provide an exemption with respect to length of buses; to change penalties; to change overweight provisions; to provide for changes in speed limits as prescribed; to repeal the original sections, and also section 3, Legislative Bill 873, Eighty-third Legislature, Second Session, 1974; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson	Burbach	Carpenter	C. Carsten	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock

Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Barnett	F. Carstens	Proud	Stull
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS

Enrollment and Review

The following bills were correctly enrolled: 782, 819, 820, 825, 845, 895 and 913.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 782, 819, 820, 825, 845, 895 and 913.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 923.

A BILL FOR AN ACT to amend sections 24-201.01, 24-301.01, 26-106, and 48-159, Revised Statutes Supplement, 1972, relating to judges; to provide for an increase in judges' salaries as prescribed; to provide for operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Barnett	Burbach	Carpenter	Cavanaugh	Chambers
DeCamp	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Keyes	F. Lewis	Luedtke	Mahoney	Marsh
Moylan	Murphy	Nore	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Syas
Waldron	Warner	Wiltse		

Voting in the negative, 12:

Anderson	Clark	Kennedy	Kime	Kremer
R. Lewis	Maresh	Marvel	Rasmussen	Richendifer
Stromer	Stull			

Not voting, 4:

C. Carsten	F. Carstens	Proud	Whitney
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 934. With Emergency.

A BILL FOR AN ACT relating to agriculture; to provide for the registration and regulation of feedlots within the brand inspection area; to provide penalties; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Burbach	C. Carsten	Cavanaugh	Chambers	Clark
DeCamp	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 1:

Barnett

Not voting, 6:

Anderson	Carpenter	F. Carstens	Hasebroock	F. Lewis
Proud				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 935. With Emergency.

A BILL FOR AN ACT to amend section 54-153, Reissue Revised Statutes of Nebraska, 1943, sections 54-104, 54-143, 54-144, 54-147, and 54-152, Revised Statutes Supplement, 1972, and section 54-101, Revised Statutes Supplement, 1973, relating to the brand area; to define a term; to provide when an application for brand registration may be denied; to provide exceptions; to increase a fee; to clarify a provision; to provide for hours of inspection; to make certain acts unlawful; to provide penalties; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Burbach	C. Carsten	Cavanaugh	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Rasmussen	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Anderson	Barnett	Carpenter	F. Carstens	Chambers
Kremer	Proud	Richendifer		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

The following bills were correctly enrolled: 914 and 920.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 914 and 920.

EXPLANATION OF VOTE

Had I been present for Final Reading on Wednesday, April 10, I would have voted: Aye on LB 1053, 1054, 1055, 1057, 1058, 1059, 1049, 1028, 1028A, 131, 826, 826A, 834, 834A, 983, 983A, 861, 945, 821, 922, 960, 805, 785, 620, 691, 693, 705 and 740.

No on LB 665

I would have voted aye on the motion to suspend the rules and take up LR 134, and on the motion to reconsider our action on LB 665.

(Signed) Gary L. Anderson

PRESENTED TO GOVERNOR

Presented to the Governor for approval on April 11, 1974, at 9:55 a.m. were the following: LB 693, LB 705, LB 740, LB 1056, and LB 1040.

Presented to the Governor for approval on April 11, 1974, at 10:30 a.m. were the following: LB 757, LB 94, and LB 302.

Presented to the Governor for approval on April 11, 1974, at 11:30 a.m. were the following: LB 782, LB 819, LB 825, LB 820, LB 845, LB 895, and LB 913.

(Signed) Barbara Jackson, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 937.

A BILL FOR AN ACT to amend sections 23-1605 and 77-1804, Reissue Revised Statutes of Nebraska, 1943, relating to notices; to provide for legal newspapers as prescribed; to increase the charge assessed for advertising; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Burbach	Carpenter	C. Carsten	Cavanaugh	Clark
DeCamp	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Rasmussen	Richendifer	Savage	Schmit	Simpson
Snyder	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Anderson	Barnett	F. Carstens	Chambers	F. Lewis
R. Lewis	Murphy	Nore	Proud	Skarda
Stahmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 938. With Emergency.

A BILL FOR AN ACT relating to the Board of Regents of the University of Nebraska; to authorize the board to sell lands previously used by the College of Agriculture; to create an Agriculture Field Laboratory Fund; to prescribe its purpose; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Schmit	Simpson
Skarda	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Goodrich	F. Lewis	Proud	Savage	Snyder
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 969. With Emergency.

A BILL FOR AN ACT to amend section 77-1209, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to exempt the value of a lease from personal property taxation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Duis
Epke	Fellman	Fowler	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Rasmussen
Savage	Schmit	Simpson	Skarda	Snyder
Stromer	Stull	Waldron	Whitney	Wiltse

Voting in the negative, 6:

Barnett	Goodrich	F. Lewis	Richendifer	Syas
Warner				

Not voting, 3:

Dickinson Proud Stahmer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 982.

A BILL FOR AN ACT relating to colleges and universities; to provide for a tuition credit for all members of the Nebraska National Guard upon enrollment in any state university, college, or vocational or technical training school in the State of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebrook	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

R. Lewis Proud Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1002.

A BILL FOR AN ACT to amend section 19-3501, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first and second class; to provide authority to villages for creation of retirement programs for village employees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Proud Stahmer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1026. With Emergency.

A BILL FOR AN ACT to amend sections 18-117, 18-119, and 18-127, Reissue Revised Statutes of Nebraska, 1943, relating to initiative and referendum; to provide exemptions; to strike references to counties and school districts; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marvel	Moylan	Murphy	Nore	Rasmussen

Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 2:

Barnett	Marsh
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Not voting, 4:

Dickinson	Kime	Proud	Syas
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1029. With Emergency.

A BILL FOR AN ACT to amend section 81-1526, Reissue Revised Statutes of Nebraska, 1943, sections 81-1503, 81-1506, 81-1507, 81-1509, 81-1513, and 81-1527, Revised Statutes Supplement, 1972, and sections 81-1504 and 81-1505, Revised Statutes Supplement, 1973, relating to the Environmental Protection Act; to clarify responsibilities of the Environmental Control Council and the Director of Environmental Control; to change provisions as to variances, trade secrets, and effluent data; to provide guidelines for adoption of standards, rules and regulations; to repeal the original sections, and also sections 81-1521 and 81-1531, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Nore	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 1:

Syas

Not voting, 2:

Murphy Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

VISITORS

President Marsh introduced 50 Third grade students, teachers and bus driver from Milford, Nebraska; Mrs. P. Sweeney and Girl Scout Troop No. 65 from Omaha, Nebraska; 65 Fourth grade students and teachers from Bryan Elementary School, Millard, Nebraska; 35 Fourth grade students and teachers from Fairbury, Nebraska.

RECESS

Mr. Carpenter moved to recess until 1:00 p.m.

Mr. Chambers moved to amend the motion to 1:30 p.m. The amendment lost.

At 12:02 p.m., the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:03 p.m., President Marsh presiding.

ROLL CALL

The roll was call and all members were present except Mr. Proud who was excused.

BILL ON FINAL READING

The following bill was read and put upon final passage.

LEGISLATIVE BILL 1048. With Emergency.

A BILL FOR AN ACT to amend sections 72-701.08, 72-706, 72-706.01, 72-707, 72-708, 72-709, 72-709.02, 72-710, 72-710.03, 72-711, 72-712, 72-716, 72-718, 72-729, 72-730, 81-1108, 81-1108.02, 81-1108.04, 81-1108.06, 81-1108.07, 81-1108.08, and 81-1108.09, Reissue Revised Statutes of Nebraska, 1943, and sections 72-710.01, 72-710.02, 72-716.01, 72-716.02, 72-716.03, 72-716.04, 72-718.07, and 81-1120.08, Revised Statutes Supplement, 1973, relating to state administrative

departments; to create the state building division as prescribed; to provide for a State Building Administrator; to rename the State Building Commission as the State Building Advisory Commission; to prescribe and transfer duties; to provide an operative date; to provide severability; to repeal the original sections, and also sections 72-709.01, 72-717, 81-1108.03, 81-1108.05, and 81-1120, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Kennedy	Keyes	Kime	Proud
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS

Enrollment and Review

The following bills were correctly enrolled: 937, 938, 969, 982, 923, 934, 935, 1002, 1026 and 1029.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 937, 938, 969, 982, 923, 934, 935, 1002, 1026 and 1029.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 632.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1973; to change the food sales tax credit; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Goodrich Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 651.

A BILL FOR AN ACT relating to time; to provide for the standard of time in Nebraska as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Hasebroock	Johnson	Kelly	Kennedy	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Waldron	Warner
Whitney				

Voting in the negative, 5:

Goodrich	Keyes	Nore	Syas	Wiltse
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Not voting, 3:

Kime	Murphy	Proud
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 678. Mr. Stahmer moved to return LB 678 to Select File for the following specific amendment:
Strike the Enacting Clause.

The motion prevailed with 30 ayes, 13 nays and 6 not voting.

LEGISLATIVE BILL 681.

A BILL FOR AN ACT to amend sections 20-113, 53-117, 53-135.01, and 53-179, Reissue Revised Statutes of Nebraska, 1943, and sections 20-134, 53-112, and 53-124, Revised Statutes Supplement, 1973; to provide for civil rights ordinances or resolutions more comprehensive than state law; to provide for revocation of certain liquor licenses for prescribed violations; to prohibit discrimination based on sex; to provide for expenses of members of the Nebraska Liquor Control Commission; to provide additional powers for the commission; to change the renewal time for class C licenses; to make certain acts unlawful; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Barnett	Burbach	Carpenter	Cavanaugh	Chambers
DeCamp	Duis	Fellman	Fowler	Hasebroock
Johnson	Kelly	Keyes	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Savage
Schmit	Simpson	Skarda	Stahmer	Warner

Voting in the negative, 17:

Anderson	C. Carsten	F. Carstens	Clark	Dickinson
Epke	Goodrich	Kennedy	Kime	R. Lewis
Nore	Rasmussen	Richendifer	Stromer	Stull
Syas	Waldron			

Not voting, 7:

Kremer	Marvel	Murphy	Proud	Snyder
Whitney	Wiltse			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 774.

A BILL FOR AN ACT to amend section 23-1206.01, Reissue Revised Statutes of Nebraska, 1943, relating to county officers; to provide for a full-time county attorney in certain counties as prescribed; to provide minimum annual salaries; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	DeCamp	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kennedy	Keyes	Maresh	Murphy	Nore
Schmit	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Wiltse		

Voting in the negative, 12:

Burbach	Clark	Kelly	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Rasmussen	Simpson
Skarda	Warner			

Not voting, 9:

Dickinson	Kime	Marsh	Marvel	Moylan
Proud	Richendifer	Savage	Whitney	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 863. With Emergency.

A BILL FOR AN ACT relating to education; to change duties of school bus operators; to provide penalties; to provide when certain school bus equipment shall not be operable as prescribed; to change provisions for vehicles used for the transportation of school children; to provide for the removal of equipment from vehicles sold; to provide for instruction in safe riding practice and participation in emergency evacuation drills; to redefine a term; to change provisions and duties for special training and educational programs; to clarify a provision for costs; to provide an operative date; to provide for nonvoting membership on the Nebraska Coordinating Council for the Handicapped; to change authority of the State Board of Education; to provide exceptions; to amend sections 79-328, 79-488.05, 79-488.07, 79-1903, and 79-2003, Reissue Revised Statutes of Nebraska, 1943, section 79-329, Revised Statutes Supplement, 1972, and sections 39-657, 39-660, 43-604, 43-625, 43-642, 43-647, and 43-654, Revised Statutes Supplement, 1973; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

F. Lewis R. Lewis Proud Rasmussen Richendifer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 894. Mr. Stull moved to return LB 894 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Waldron moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays and 16 not voting.

Mr. Stull requested a roll call vote.

Voting in the affirmative, 24:

Carpenter	F. Carstens	Clark	Duis	Fellman
Kennedy	Keyes	Kime	Kremer	R. Lewis
Mahoney	Maresh	Marsh	Marvel	Moylan
Nore	Rasmussen	Savage	Skarda	Stahmer
Stromer	Stull	Whitney	Wiltse	

Voting in the negative, 24:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
Chambers	DeCamp	Dickinson	Epke	Fowler
Goodrich	Hasebrook	Johnson	Kelly	F. Lewis
Luedtke	Murphy	Richendifer	Schmit	Simpson
Snyder	Syas	Waldron	Warner	

Not voting, 1:

Proud

The Stull motion lost with 24 ayes, 24 nays and 1 not voting.

LEGISLATIVE BILL 894.

A BILL FOR AN ACT to amend sections 72-232, 72-234, and 72-242, Reissue Revised Statutes of Nebraska, 1943, relating to school lands and funds; to provide for a rental basis; to provide an interest rate; to provide for commercial advertising; to provide an expenditure limit; to provide

procedures for lease relinquishment; to provide for an annual report and approval of future projects; to make appropriations; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
Chambers	DeCamp	Epke	Fellman	Fowler
Goodrich	Hasebroock	Johnson	Kelly	F. Lewis
Luedtke	Moylan	Murphy	Richendifer	Savage
Schmit	Simpson	Stahmer	Syas	Waldron
Warner				

Voting in the negative, 19:

Carpenter	F. Carstens	Clark	Duis	Kennedy
Keyes	Kime	Kremer	R. Lewis	Mahoney
Maresh	Marvel	Nore	Rasmussen	Snyder
Stromer	Stull	Whitney	Wiltse	

Not voting, 4:

Dickinson	Marsh	Proud	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESENTED TO GOVERNOR

Presented to the Governor for approval on April 11, 1974 at 1:20 p.m., were the following: LB 914 and LB 920.

Presented to the Governor for approval on April 11, 1974 at 2:00 p.m., were the following: LB 923, LB 934, LB 935, LB 937, LB 938, LB 969, LB 982, LB 1002, LB 1026 and LB 1029.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS Enrollment and Review

The following bills were correctly enrolled: 1048, 632, 651, 681, 774 and 863.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1048, 632, 651, 681, 774 and 863.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 932. Mr. Chambers moved to return LB 932 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays and 17 not voting.

The Chambers motion lost with 10 ayes, 26 nays and 13 not voting.

LEGISLATIVE BILL 932.

A BILL FOR AN ACT to amend section 32-504, Revised Statutes Supplement, 1973, relating to elections; to provide for candidates filing by petition for the offices of Governor and Lieutenant Governor and for write-in candidates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Dickinson	Duis	Epke
Fellman	Hasebroock	Johnson	Kennedy	Kime
Kremer	Luedtke	Mahoney	Mareh	Marsh
Marvel	Moylan	Murphy	Nore	Rasmussen
Savage	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Whitney	Wiltse

Voting in the negative, 7:

Chambers	Clark	Fowler	Kelly	Schmit
Waldron	Warner			

Not voting, 7:

DeCamp	Goodrich	Keyes	F. Lewis	R. Lewis
Proud	Richendifer			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 933.

A BILL FOR AN ACT to amend section 32-421.01, Revised Statutes Supplement, 1973, relating to elections; to provide the manner of placing petition candidates for Governor and Lieutenant Governor on the ballot for general elections; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Dickinson	Epke	Fellman
Goodrich	Hasebroock	Johnson	Kennedy	Kremer
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Nore	Rasmussen	Savage	Simpson
Snyder	Stahmer	Stromer	Stull	Syas
Whitney	Wiltse			

Voting in the negative, 8:

Chambers	Clark	DeCamp	Fowler	Kelly
Schmit	Waldron	Warner		

Not voting, 9:

Duis	Keyes	Kime	F. Lewis	R. Lewis
Murphy	Proud	Richendifer	Skarda	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MESSAGE FROM THE GOVERNOR

April 11, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith three measures, LB 1053, LB 1054, and LB 1055 without my signature at the legal direction of the Attorney General in exercising the Governor's line item veto powers. Please be advised that I have signed as approved LB 1056. Therefore, as promised, I have completed action on all your budget bills in time for your further consideration if desired.

Other than my line item vetoes as outlined, I do not take herewith specific exception to your other appropriations as contained in these appropriation bills.

In my continuing efforts to hold state expenditures within reasonable bounds, I have stricken a total of \$12.4 million from these three bills. There will be additional vetoes of other tax spending measures as I review some of the Legislature's other actions during the next few days. Even though the Legislature has, by overriding Gubernatorial vetoes, already dramatically increased the sales and income taxes by 40% and 36%, respectively, that will be in effect next year, I still persist that this is not the time to be less than prudent in spending.

The agencies essentially affected by my reductions in your total appropriations in those three bills are the Department of Administrative Services, the University of Nebraska, the Department of Revenue, the state colleges, the Game and Parks Commission, the Department of Institutions and the Department of Education.

Yet all of these agencies are receiving substantial increases in expenditures over the previous year with my specific reductions. For example, the University of Nebraska in effect requested a 25% increase over 1973-74 expenditures. The Legislature has authorized a percentage increase of 24.8, and I am suggesting this be reduced to a 20.7% increase. We have altered no proposed agricultural programs. By any sensible measurement, I believe most will concur that my position is reasonable. The University reduction is only from \$63.8 to \$61.7 million.

In LB 1053, I have reduced your appropriations as follows:

Agency 16. Department of Revenue	\$ 500,000
Reduced because of the easing of the fuel crisis	
and the lack of need for all of the new	
personnel since they could not all be recruited,	
if necessary during the period.	

Agency 13, Department of Education	\$1,733,000
Reduced because of what we believe to be excess appropriations of need to fund certain programs. There is nevertheless allowed a multi-million dollar increase in this department.	
Agency 33, Game and Parks Commission	181,500
This reasonable reduction is small compared with the necessary large increases given this agency.	
In LB 1054, I have reduced your appropriations as follows:	
Agency 25, Department of Public Institutions	90,000
Program 548, new furniture for Nebraska Psychiatric Institute	
Agency 46, Department of Corrections	29,751
This is because Federal funds are available through the Crime Commission, this is an unnecessary general fund appropriation	
Agency 50, State Colleges	301,252
Basically a reduction in the increase in administration costs as opposed to necessary teaching programs	
Agency 51, University of Nebraska	2,366,524
This includes \$250,000 for purchase of art objects from Joslyn Museum. The facts are that while it is unfortunate that this important art center is in some financial difficulty, your appropriation is insignificant as to their total needs. Furthermore, state funding of such an enterprise is inappropriate.	
Agency 51-1, Program 711, University of Nebraska	
Specific reductions are not tied to earmarked items, but to program totals. The reductions are therefore not prejudiced against any particular items of expenditure which the University may, in its judgment, wish to undertake. In fact, some of the expenditures are recommended, but should be financed through reduction of the continuation base. The same recommendations are applied to UNO instructional programs.	

Agency 51-1, Program 713, University of Nebraska
The \$30,000 reduction confirms the principle that dormitory expenditures should be self-supporting. Renovation of \$325,000 in the operation budget is not recommended because renovation monies are approved in the capital construction budget.

Agency 51-3, Program 731, University of Nebraska
The cardiovascular program is reduced to \$117,638, without impairment of possible Federal funds. This sum represents substantial first year seed money to begin a worthwhile statewide project. The program total is reduced again without prejudice to administrative flexibility and discretion.

Program 781

The \$50,000 for additional computer personnel is deferred until evaluation required by Section 17 (3) is completed.

Agency 65, Department of Administrative Services
Because of the start-up time involved in hiring staff and finding space, a \$75,000 reduction is made to this program. This will not hamper the agency's efforts in meeting the charges of the Legislature in developing new information systems.

In LB 1055, I have reduced your capital construction programs as follows:

Agency 13, Department of Education:

The reduction in the second year appropriation of \$460,000 is in keeping with my original recommendation that will provide a facility adequate to meet the needs of the Cozad school of \$400,000.

Agency 33, Game and Parks Commission:

Papillion Creek Contingency Acquisition funds is reduced to \$175,000 from your appropriation of \$375,000, because the development is in the initial stages. This \$175,000 will provide the state with necessary funds to purchase desired tracts of land for 1974-75. This is in addition to the \$178,250 for the acquisition of Site 20. This means that

we will continue our phased purchase of tracts of land in the Papio Creek Development as originally agreed upon.

State Recreation Areas - program is reduced by \$76,500 because the Game and Parks Commission has received a tremendous increase in operations and capital construction otherwise. These increases will tax their resources to the limit in providing plans and program statements.

Residence at Fremont by \$35,000. Since there is a residence at Fremont, a new structure does not warrant priority for funding in 1974-75.

Agency 50, State Colleges:

Kearney State College - Resurfacing of Cushing Coliseum.

Additional expenditures on athletic facilities are not high priority and should be deferred so that more attention can be given to operational innovations and ongoing construction projects.

Wayne State College - Equipment for Applied Arts Building.

This appropriation has been reduced by \$40,000 because all usable equipment should be transferred to the new building, rather than completely replacing this equipment. This leaves \$100,000 for new equipment.

Agency 51, University of Nebraska:

UN-L Food and Nutrition Building - the project total and second year cost are adjusted downward to reflect the total requested by the agency for the project. We are still providing \$550,000 for this project.

UNO Land Purchase - The Appropriation is lowered to provide additional funding for operations. The \$140,000 will provide the University the resources to acquire the most critical land sites in 1974-75.

UNO Physical Education and Health Facility - \$100,000 is provided for the development of plans. The project was of a lower priority and must be deferred until a future date.

Agency 52, State Board of Agriculture:

The reduction of \$100,000 is in keeping with my original recommendation. I have not lowered the project cost thus allowing the Board the flexibility of using Board funds to expand the scope of the project.

State Historical Plan:

The \$24,000 is not recommended because the agencies concerned have sufficient resources to conduct this project as a part of their regular ongoing activities.

It is my hope that the Legislature will concur in these reductions.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

The following bills were correctly enrolled: 894, 932 and 933.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 894, 932 and 933.

PRESENTED TO GOVERNOR

Presented to the Governor for approval on April 11, 1974, at 3:10 p.m., were the following: LB 1048, LB 632, LB 651, LB 681, LB 774, and LB 863.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Override Veto on LB 1053

Mr. Carpenter moved to override the Governor's line-item veto on LB 1053.

Mr. Marvel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 7 nays and 14 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1053 pass notwithstanding the objections of the Governor?' "

Mr. Clark requested a roll call vote.

Voting in the affirmative, 26:

Barnett	Carpenter	C. Carsten	Clark	Duis
Fowler	Goodrich	Johnson	Kelly	Kime
Luedtke	Marsh	Marvel	Murphy	Nore
Savage	Schmit	Simpson	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Wiltse				

Voting in the negative, 21:

Anderson	Burbach	F. Carstens	Cavanaugh	DeCamp
Dickinson	Epke	Fellman	Hasebroock	Kennedy
Keyes	Kremer	F. Lewis	Mahoney	Maresh
Moylan	Rasmussen	Richendifer	Skarda	Whitney

Not voting, 2:

Chambers Proud

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION—Override Veto on LB 1054

Mrs. Marsh moved to override the Governor's line-item veto on LB 1054.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays and 17 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1054 pass, notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Barnett	Carpenter	C. Carsten	Clark	DeCamp
Dickinson	Duis	Epke	Goodrich	Hasebroock
Johnson	Kelly	Kime	Kremer	Luedtke
Marsh	Marvel	Moylan	Murphy	Nore
Savage	Schmit	Simpson	Snyder	Stahmer
Stromer	Syas	Waldron	Warner	Wiltse

Voting in the negative, 16:

Anderson	Burbach	F. Carstens	Cavanaugh	Fellman
Fowler	Kennedy	Keyes	F. Lewis	R. Lewis
Mahoney	Maresh	Rasmussen	Skarda	Stull
Whitney				

Not voting, 3:

Chambers Proud Richendifer

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Override Veto on LB 1055

Mr. Duis moved to override the Governor's line-item veto on LB 1055.

Whereupon the President stated: "The question shall be, 'Shall LB 1055 pass, notwithstanding the objections of the Governor.'

Mr. Duis requested a roll call vote.

Voting in the affirmative, 29:

Barnett	Burbach	Carpenter	F. Carstens	Clark
DeCamp	Duis	Goodrich	Johnson	Keyes
Kime	R. Lewis	Luedtke	Mahoney	Marsh
Marvel	Murphy	Nore	Rasmussen	Savage
Schmit	Simpson	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	

Voting in the negative, 17:

Anderson	C. Carsten	Cavanaugh	Dickinson	Epke
Fellman	Fowler	Hasebroock	Kelly	Kennedy
Kremer	F. Lewis	Maresh	Moylan	Skarda
Whitney	Wiltse			

Not voting, 3:

Chambers Proud Richendifer

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objection of the Governor.

PRESENTED TO GOVERNOR

Presented to the Governor for approval on April 11, 1974, at 3:45 p.m., were the following: LB 894, LB 932, and LB 933.

(Signed) Barbara Jackson, Enrolling Clerk

COMMUNICATIONS ON LB 1054

April 11, 1974

Hon. Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 1054, Eighty-third Legislature, Second Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 1054 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1054 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ls

cc: Gov. J. James Exon

CERTIFICATE

Legislative Bill 1054 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 11th day of April 1974.

(Signed) Frank Marsh, Presiding Officer
President of the Legislature

MOTION—Approve Study Resolutions

Mr. Mahoney moved the adoption of the following report of recommended study resolutions by the Executive Board.

- LR 108 Advantages of establishing a State Department or Division on Aging. (Moylan)
- LR 115 Investigate the problems and relationships of all agencies dealing with human services, and the feasibility of a

- human resource agency to coordinate and control the quality of human services. (Murphy)
- LR 119 The study of aviation as it relates to the development of communications and transportation in Nebraska. (C. Carsten)
- LR 121 That the Constitutional Revision and Recreation Committee study alternative sites for the replacement of Niobrara State Park. (Burbach)
- LR 122 That the Banking, Commerce and Insurance Committee study Workmen's Compensation Laws with particular emphasis on interim rate changes in small business audits and a common effective date for insurance policies of the nature contemplated by resolution. (Duis)
- LR 123 Study of the bus and rail transportation system in Nebraska. (Mahoney and Stull)
- LR 124 Study of the wholesale and retail electrical systems in Nebraska. (Stromer)
- LR 126 Study by Education Committee of procedures and requirements needed to properly define the rights and obligations of teachers, administrators, and school officials in the area of contract termination. (Warner)
- LR 127 Centralization of state offices in community of North Platte, and acquisition of building for that purpose. (Waldron)
- LR 129 Study of the administrative procedures in county jails and other detention or correctional institutions. (Stull)
- LR 130 Study by Committee on Adm. Rules & Regulations to determine what actions might be taken to increase the efficacy of the rules governing the Nebraska Legislature. (Duis)
- LR 131 An ad hoc study committee to consider the certification or licensure and regulation of medical technologists and radiological technologists. (Health & Welfare Committee)
- LR 132 Study of the legal profession in the state. (Chambers) By subcommittee of the Judiciary Committee.
- LR 138 Joint study by Agriculture Committee and Con. Revision & Recreation Committee of the proposed wildlife refuge on Platte River. (Stromer, Kelly, and Marvel)
- LR 140 Study of the matter of certification or licensure and regulation of the profession and practice of social work. (Cavanaugh)
- LR 141 Study by Miscellaneous Subjects Committee of the situation surrounding the conflicting interests between the informational needs of government, its agencies and the public on one hand, and the sanctity, individuality, and privacy of the citizen on the other. (Cavanaugh)
- LR 142 Study of data relative to the problems of annual sessions. (Johnson)
- LR 143 Study of all aspects of the Nebraska inheritance taxation, including estate taxation and federal estate tax apportionment. (By Judiciary Committee) (Luedtke)

- LR 144 Study by the Judiciary Committee in cooperation with the Supreme Court Committee on Practice and Procedure, to modernize and simplify Nebraska's rules of evidence. (Luedtke)
- LR 145 Study by Public Health & Welfare Committee to evaluate the current practices of the mental retardation regions, etc. (Public Health & Welfare Committee)
- LR 146 Study by Retirement Committee of all retirement systems, to promote uniformity and equity. (Retirement Committee)
- LR 148 Continuation of study by Ag and Environment Committee of land use legislation to insure the development of a state plan which is in best economic interests of the state. (Agr. and Environment Committee)
- LR 149 Continuation of study by Ag Committee of agricultural economy of state. (Ag and Environment Committee)
- LR 150 Study by Committee on Ag and Environment to assess economic impact which implementation of price controls on agricultural products has upon economy of Nebraska. (Ag and Environment Committee)
- LR 151 Study by Ag and Environment Committee of school land laws, regulations, uses, policies and lease agreements to determine productive use to which school lands maybe utilized. (Ag and Environment Committee)
- LR 152 Study by Judiciary Committee of existing child support collection methods. (Fellman)
- LR 153 Study by Judiciary Committee of procedures for collection, enforcement, and administrative and judicial review of Nebraska income and sales tax liabilities. (Carpenter & Luedtke)
- LR 154 Study of air transportation, zoning, regulations, and any ancillary subjects relating to public airports. (Kelly, Schmit)
- LR 156 Study by Miscellaneous Subjects Committee of all aspects of SIDs in Nebraska. (Cavanaugh)
- LR 158 Study of citizen participation and reaction to manner in which state aid to education is provided. (Marvel, Simpson)
- LR 159 Study of inspection functions performed by state agencies. (3 to 5 members of committee (not legislators) appointed by Governor.) (Warner)
- LR 160 Study by Labor Committee of transmission of state or agency policy information to employee and return communication. (Labor Committee)
- LR 161 Study by Appropriations Committee of: systems of human services; systems of higher education; progress of management information systems; and improvement of capital construction. (Marvel, Clark, Marsh, Savage, Stahmer, Whitney)

- LR 162 Study of Appropriations Committee of all aspects of Children's Services. (Marvel, Clark, Savage, Marsh, Whitney, Stahmer)
- LR 163 Study of unfair business practices and enforcement mechanisms. (Anderson)
- LR 164 Study of recreational facilities and opportunities in state. (Anderson)
- LR 165 Study of problems of redistricting of the Supreme Court. (Cavanaugh)
- LR 166 Study of Constitutional Revision and Recreation Committee re bringing Nebraska into compliance with Endangered Species Act of 1973, and to conduct a review of existing wildlife management programs. (Anderson)
- LR 167 Study of Con. Rev. and Rec. Com. of Chapter 37, Revised Statutes, Neb., governing fish and game. (Anderson)
- LR 168 Study of Com. on Agri. and Env. re establishing College of Veterinary Medicine. (Maresh)
- LR 169 Study by Labor Committee of all compensation laws. (Labor)
- LR 170 Study of all formulas utilized in distribution of state aid to education. (Anderson)
- LR 171 Study of postsecondary educational opportunities in cooperation with Public Postsecondary Coordinating Council. (Anderson)
- LR 172 Study of Public Power construction contracts and assess current statutory provisions which govern these contracts. (Public Works Committee)
- LR 173 Study of the agreements currently in effect between Board of Regents and employees of Un Med Center relative to disposition and management of professional fees earned in the UN Med Center facilities. (Carpenter)
- LR 174 Study by Ag Committee of structural requirements for the development of flood protection in Big Blue River Valley. (Maresh and Epke)
- LR 175 Study of various areas of public power system. (R. Lewis)
- LR 176 Study by Public Works Committee of responsibility of coordinating citizens, agencies and governments of state which may affect the watercourses and thus the public safety of the state. (Duis)
- LR 177 Study by Health Committee of all rehabilitation services existing in state. (Public Health & Welfare Committee)
- LR 179 Study of local units of government dealing with human services. (Stahmer)
- LR 180 Study of the problems encountered by women and minority groups in relation to credit cards, etc. (Fowler)
- LR 182 Public Works Committee be directed to conduct a study of Nebraska's laws relating to underground and surface waters with special emphasis upon the statutory recognition of the

inter-relationship of underground and surface waters. (Public Works Comm.)

Mr. Fowler moved to amend the Mahoney motion to include studies on LR 125, LR 135 and LR 147.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays and 19 not voting.

The amendment to include LR 125 lost with 8 ayes, 25 nays and 16 not voting.

The amendment to include LR 135 lost with 7 ayes, 25 nays and 17 not voting.

The amendment to include LR 147 lost with 10 ayes, 25 nays and 14 not voting.

The Mahoney motion on study resolutions prevailed with 33 ayes, 0 nays and 16 not voting.

MOTION—Reconsider Action on LB 1055

Mr. Kelly moved to reconsider action on the Duis motion on the override of LB 1055. The motion prevailed with 25 ayes, 17 nays and 7 not voting.

Mr. Duis moved for a Call of the House. The motion prevailed with 19 ayes, 16 nays and 14 not voting.

The Call showed 46 members present.

Whereupon the President stated: "The question shall be, 'Shall LB 1055 pass, notwithstanding the objections of the Governor?' "

Mr. Duis requested a roll call vote.

Mr. Clark moved the Call be raised. The motion prevailed.

Voting in the affirmative, 30:

Barnett	Burbach	Carpenter	F. Carstens	Clark
DeCamp	Duis	Goodrich	Johnson	Kelly
Keyes	Kime	Luedtke	Mahoney	Marsh
Marvel	Murphy	Nore	Rasmussen	Savage
Schmit	Simpson	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Wiltse

Voting in the negative, 16:

Anderson	C. Carsten	Cavanaugh	Dickinson	Epke
Fellman	Fowler	Hasebroock	Kennedy	Kremer
F. Lewis	R. Lewis	Maresh	Moylan	Skarda
Whitney				

Not voting, 3:

Chambers Proud Richendifer

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

REPORT OF EXECUTIVE BOARD

Motion by the Executive Board, April 10, 1974:

Senator Carpenter: I feel the problem of having relatives work for senators should be sent to the Floor and let the senators themselves make the determination as to whether this should be allowed. Does the Board have any opposition to sending to the Floor the statement that the Legislature should be requested to adopt a policy on whether or not senators should be allowed to hire a member of their immediate family as a secretary.

A motion to the above effect was made by Senator Goodrich, seconded by Senator Savage. Motion carried unanimously.

MOTION—Approve Executive Board Policy

Mr. Carpenter moved to not permit hiring by a Senator a member of his immediate family nor the family of another Senator.

Mr. F. Carstens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Carpenter motion prevailed with 25 ayes, 14 nays and 10 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 181.

Introduced by Warner, 25th District; Schmit, 23rd District; Barnett, 26th District; Burbach, 19th District; Carpenter, 48th District; C. Carsten, 2nd District; Cavanaugh, 9th District; Chambers, 11th District; Clark, 47th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th

District; Epke, 24th District; Fellman, 4th District; Fowler, 27th District; Goodrich, 20th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Kime, 43rd District; Kremer, 34th District; F. Lewis, 45th District; R. Lewis, 38th District; Luedtke, 28th District; Mahoney, 5th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Moylan, 6th District; Murphy, 17th District; Nore, 22nd District; Rasmussen, 41st District; Richendifer, 16th District; Savage, 10th District; Simpson, 46th District; Skarda, 7th District; Snyder, 14th District; Stahmer, 8th District; Stromer, 36th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Whitney, 44th District; Wiltse, 1st District.

WHEREAS, John B. Peterson of Ashland served this Legislature well during the difficult and historic transition from the bicameral to the unicameral systems, having been a member of the House of Representatives in 1935 and of the Unicameral in 1937; and

WHEREAS, John B. Peterson recently died.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

The Legislature notes with sadness the passing of John B. Peterson and directs that the Clerk forward a copy of this resolution to his family.

LEGISLATIVE RESOLUTION 182.

Introduced by Kremer, 34th District.

WHEREAS, the Eighty-third Legislature, Second Session, recognizes the importance of proper water and related land resources development to the future of the State of Nebraska, and

WHEREAS, this Legislature also recognizes that such proper development may require changes or additions to Nebraska's state laws, and

WHEREAS, such possible changes may include, but not be limited to, improved statutory recognition of the inter-relationship of underground and surface waters and their conjunctive use and statutory provisions to insure a continued good supply of ground water and to protect against ground water depletions in the state;

NOW, THEREFORE BE IT RESOLVED, that the Public Works Committee of the Eighty-third Legislature of the State of Nebraska be directed to conduct a study of Nebraska's laws relating to underground and surface waters with special emphasis upon the statutory recognition of the inter-relationship of underground and surface waters and to locate statutory needs to prevent and solve any current underground water problems the Committee finds to exist in Nebraska, and

BE IT FURTHER RESOLVED, that the Public Works Committee make recommendations and prepare such legislation as it deems necessary and appropriate subsequent to its study of this issue.
Referred to Executive Board.

LEGISLATIVE BILL 183.

Introduced by Mahoney, 5th District; Barnett, 26th District; Burbach, 19th District; Carpenter, 48th District; C. Carsten, 2nd District; F. Carstens, 30th District; Cavanaugh, 9th District; Chambers, 11th District; Clark, 47th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Epke, 24th District; Fellman, 4th District; Fowler, 27th District; Goodrich, 20th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Kime, 43rd District; Kremer, 34th District; F. Lewis, 45th District; R. Lewis, 38th District; Luedtke, 28th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Moylan, 6th District; Murphy, 17th District; Nore, 22nd District; Rasmussen, 41st District; Richendifer, 16th District; Savage, 10th District; Schmit, 23rd District; Simpson, 46th District; Skarda, 7th District; Snyder, 14th District; Stahmer, 8th District; Stromer, 36th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Warner, 25th District; Whitney, 44th District; Wiltse, 1st District.

WHEREAS, Mr. Odell Hanson, who has been the Associated Press correspondent in Lincoln for twenty years will be leaving that assignment; and

WHEREAS, Mr. Dick Herman, who has reported on the activities of the Legislature for the Lincoln Journal since 1963 will be assuming an editorial position for the Lincoln Journal; and

WHEREAS, the accuracy of the stories and reports written by these gentlemen has been above criticism; and

WHEREAS, the stories prepared by Mr. Hanson and Mr. Herman have provided significant understanding and appreciation of state government; and

WHEREAS, the conduct and professionalism of Mr. Hanson and Mr. Herman has been above reproach.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Mr. Hanson and Mr. Herman be commended for their distinguished service to the Legislature.
2. That a standing vote of thanks be given Mr. Hanson and Mr. Herman.
3. That the Clerk of the Legislature present copies of this resolution to Mr. Hanson and Mr. Herman.

The members gave Mr. Hanson and Mr. Herman a standing vote of thanks.

RESOLUTIONS

LEGISLATIVE RESOLUTION 178. Mr. Carpenter asked unanimous consent to adopt LR178. No objections. So ordered.

LEGISLATIVE RESOLUTION 137. Mr. Waldron asked unanimous consent to adopt LR 137. No objections. So ordered.

PRESENTATION

Mr. Carpenter presented a briefcase to Mr. Cavanaugh on behalf of the members in appreciation as being Chairman of Enrollment and Review.

Mr. Mahoney announced the members not returning next session. The members gave a standing vote of appreciation to them.

MOTION—Final Disposition of Bills

Mr. F. Carstens moved that all bills not otherwise disposed of on this date be indefinitely postponed. Further, that the Chairman of each standing committee file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed with 40 ayes, 3 nays and 6 not voting.

MOTION—Session Laws and Journal Distribution

Mr. Fowler moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Index by Vincent D. Brown, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws; and further that each member of the press assigned to the Legislature be given the same. The motion prevailed.

MOTIONS—Appreciation

Mr. Schmit moved that this body express its thanks and appreciation to the newspapers and the press association, radio and television stations for reporting the events and activities of this Eighty-third Legislature, and to the Nebraska Television Network for their coverage and programming to the people of the State of Nebraska. The motion prevailed.

Mr. Anderson moved that as evidence of our sincere appreciation for our presiding officer, the Speaker Richard Proud, for the fair and impartial performance of his duties that we present a Nebraska flag together with a gavel as emblems of his having served as a fair and impartial presiding officer.

Mr. Dickinson seconded the motion. The motion prevailed.

Mr. Nore moved that as evidence of our sincere appreciation for our presiding officer, Lieutenant Governor Frank Marsh, for the fair and impartial performance of his duties that we present a Nebraska flag together with a gavel as emblems of his having served as a fair and impartial presiding officer. The motion prevailed.

President Marsh thanked the members and employees.

President Marsh announced that Mr. Ray Wilson is retiring. Mr. Simpson expressed his and the members appreciation to Mr. Wilson.

Mr. F. Lewis expressed appreciation on behalf of the members to the Pages and employees.

MOTION—Advise Governor

Mr. Savage moved that a committee of two be appointed to advise the Governor's office that the Eighty-third Legislature, Second Session of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature. The motion prevailed.

President Marsh appointed Messrs. Fellman and Kime to notify the Governor.

APPRECIATION

Mrs. Marsh expressed her thanks to the senior members of the Legislature.

COMMITTEE TO ESCORT GOVERNOR

The Committee escorted Governor J. James Exon to the rostrum. The Governor addressed the members briefly.

The Governor asked Messrs. F. Carstens, Whitney and Carpenter to come to the rostrum. He announced the new activities building at the Beatrice State Home had been named the F. W. Carstens Activities Building.

The Governor presented Mr. Whitney with a contoured map of his country, and a framed cartoon of "Super Terry" to Mr. Carpenter. The

Governor recognized the other members not returning and expressed his good wishes to them.

APPRECIATION

Mr. Moylan announced Mr. Jack Wilson, Bill Drafter, is retiring. The members gave a standing vote of thanks to him.

Mr. Clark presented a plaque to Mr. Carpenter, on behalf of the Legislature.

MOTION—Adjournment

Mr. Clark moved that the Journal for the Sixtieth Day, as prepared by the Clerk, be approved, and that the Eighty-third Legislature, Second Session of the Legislature, having finished all business before it, now at 5:55 p.m., we adjourn sine die. The motion prevailed.

Vincent D. Brown
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

COMMUNICATIONS ON LB 1055

April 11, 1974

Hon. Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 1055, Eighty-third Legislature, Second Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 1055 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1055 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ls
cc: Gov. J. James Exon

CERTIFICATE

Legislative Bill 1055 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 11th day of April 1974.

(Signed) Frank Marsh, Presiding Officer
President of the Legislature

MESSAGES FROM SECRETARY OF STATE

April 12, 1974

Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Reference: Legislative Bill Number 1055
Eighty-Third Legislature, Second Session

Dear Mr. Brown:

I acknowledge receipt of Legislative Bill Number 1055, along with the certification signed by Frank Marsh, presiding officer and President of the Legislature.

The certificate informs me that Legislative Bill Number 1055 was returned by the Governor with his objections thereto and after consideration, Legislative Bill Number 1055 passed the Legislature by a constitutional majority and it has thereby become law on the eleventh day of April, 1974.

Please be advised that the certification and the bill have been filed in this office on the twelfth day of April, 1974, at 9:45 a.m. and are now public record.

Sincerely,

(Signed) Allen J. Beermann
Secretary of State

April 12, 1974

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Reference: Legislative Bill Number 1054
Eighty-Third Legislature, Second Session

Dear Mr. Brown:

I acknowledge receipt of Legislative Bill Number 1054 along with the certification signed by Frank Marsh, presiding officer and President of the Legislature.

The certification informs me that Legislative Bill Number 1054 was returned by the Governor with his objections thereto and after consideration Legislative Bill Number 1054 passed the Legislature by a constitutional majority and it has thereby become law on the eleventh day of April, 1974.

Please be advised that the certification and the bill have been filed in this office on the eleventh day of April, 1974 at 4:45 P.M. and are now public record.

Sincerely,

(Signed) Allen J. Beermann
Secretary of State

MESSAGES FROM THE GOVERNOR

April 11, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 1056.

This bill was signed by me on April 11, 1974 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:fw

April 15, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith without my signature and with my objections LB 861 and 861A.

These measures direct the creation of another new governmental agency known as the Department of Public Records.

The bills provide for the new agency to assume routine record keeping duties now directly under the Secretary of State.

It is my feeling that such action would further and unnecessarily proliferate state government bureaucracy and would undoubtedly lead to more spending and staff.

Yours very truly,

(Signed) J. James Exon, Governor

JJE:fw

cc: The Honorable Allen Beermann

April 15, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 705 without my signature and with my objections.

In my opinion, the measure unconstitutionally attempts to dictate and impair the historic rights of the judicial branch to license attorneys.

This is one more overt act by the Legislature to overreach their powers at the expense of another equal branch of government.

Every time the Legislature attempts to invade and infringe upon the traditional separation of powers of the three distinct branches of government, you have found me in opposition. I am seriously concerned when such an effort is accomplished over mute opposition.

LB 705 passed the Legislature by the amazing vote of 36 for, none opposed, and 13 not voting. There was strong and well reasoned objection during public hearing. Certainly, some members of the Legislature should have been aware of previous Supreme Court decisions that held the court constitutionally responsible in such matters on the separation of powers principle. (See *State ex rel Hunter vs. Kirk* 133 Nebraska 625 and *Wright vs. Barlow* 131 Nebr. 294). Yet not even one of 49 Senators stood in opposition.

Under the circumstances, such a unanimous record vote is appalling since it indicates less than thorough and reasoned action.

Yours very truly,

(Signed) J. James Exon, Governor

JJE:fw

cc: The Honorable Allen Beermann

April 15, 1974

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska

Dear Mr. Beermann:

We have received Engrossed Legislative Bills Nos. 131, 651, 691, 740, 774, 785, 787, 834, 834A, 895, 932, 933, 938, 1048, and 1049, and

Reengrossed Legislative Bills Nos. 821, and 920.

These bills were signed by me on April 12, 1974 and delivered to you herewith.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:fw

cc: Mr. Vince Brown

April 15, 1974

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska

Dear Mr. Beermann:

We have received Engrossed Legislative Bills Nos. 681, 693, 757, 805, 819, 820, 845, 863, 913, 934, 935, 937, 969, 1002, 1029, and Reengrossed Legislative Bill No. 922.

These bills were signed by me on April 13, 1974 and delivered to you herewith.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:fw

cc: Vince Brown

MESSAGE FROM SECRETARY OF STATE

April 15, 1974

Mr. Vince Brown
Clerk of the Legislature
Capitol Building
Lincoln, Nebraska

Re: L.B. 1053

Dear Mr. Brown:

This letter is to officially acknowledge receipt of Legislative Bill 1053. The bill was received in my office on Friday, April 12, 1974. The bill has been forwarded to my office in the same manner and as approved by the Governor, noting that the Legislature did not override the item vetoes.

Please be advised that L.B. 1053 will become law as provided in the

Constitution as to the amendments and figures as approved by the Governor as set out in said bill.

Finally, we should be advised that L.B. 1053 will now become part of public record.

Sincerely,

(Signed) Allen J. Beermann
Secretary of State

MESSAGES FROM THE GOVERNOR

April 15, 1974

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska

Dear Mr. Beermann:

We have received Engrossed Legislative Bills Nos. 620, 754, 754A, 782, 825, 875, 875A, 914, 923, 982, and 1026 and Reengrossed Legislative Bill No. 960.

These bills were signed by me on April 15, 1974 and delivered to you herewith.

Very truly yours,

(Signed) J. James, Exon, Governor

JJE:fw
cc: Vince Brown

April 15, 1974

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska

Dear Mr. Beermann:

We have received Reengrossed Legislative Bill No. 1028.

This bill was signed by me on April 15, 1974 and delivered to you herewith.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:fw
cc: Vince Brown

APPRECIATION

A note of appreciation was received from the Richard Proud family.

MESSAGES FROM THE GOVERNOR

April 16, 1974

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska

Dear Mr. Beermann:

We have received Engrossed Legislative Bill No. 632.

This bill was signed by me on April 16, 1974 and transmitted to you herewith.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:fw

cc: Vince Brown

April 16, 1974

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska

Dear Mr. Beermann:

We have received Engrossed Legislative Bills Nos. 302 and 945 and Reengrossed Legislative Bill No. 983.

These bills were signed by me on April 16, 1974 and transmitted to you herewith.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:fw

cc: Vince Brown

April 16, 1974

The Honorable Allen J. Beermann
Secretary of State
State of Nebraska
Lincoln, Nebraska

Dear Mr. Beermann:

Pursuant to the Constitution, I am herewith transmitting Legislative Bills Nos. 94, 665, 826, 826A, 983A, and 1028A which I have vetoed along with my objections.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:fw
cc: Vince Brown

April 16, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 983A without my signature and with my objections as I exercise my line item veto powers. Otherwise than indicated, the measure has my approval.

The Legislature has provided \$500,000 for re-enlistment bonuses for the Nebraska National Guard. I feel that a \$300,000 savings can be made, and have therefore reduced the appropriation to \$200,000.

Yours very truly,

(Signed) J. James Exon, Governor

JJE:fw
cc: The Honorable Allen Beermann

April 16, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 94 without my signature and with my objections as I exercise the Governor's line item veto reductions as indicated. Except as otherwise provided herewith, I approve the remainder of the bill.

A \$368,500 savings in tax funds as appropriated in this bill can be made without any serious impairment to the programs.

In visiting with University officials, they concur that a net amount of \$185,000 is all that is necessary to fund their requirements for bleachers and improvements in the athletic dressing room facilities on the Omaha campus. I have therefore reduced Section 1 by \$168,500.

Section 2 of the bill seeks to appropriate a half million dollars for "land acquisition" and "planning" for the Metropolitan Technical Community College. Since other funds can be made available to meet such current needs at this time, I have reduced this funding by \$200,000. This leaves an ample additional \$300,000 for such possible needs for fiscal 1974-75.

Yours very truly,

(Signed) J. James Exon, Governor

JJE:fw

cc: The Honorable Allen Beermann

April 16, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 1028A without my signature and with my objections as I exercise the Governor's line item veto reductions as indicated. Except as otherwise provided herewith, I approve the remainder of the bill.

Here again the Legislature has over-appropriated funds.

I have reduced your \$250,000 appropriation to \$100,000 thereby realizing a tax dollar net savings of \$150,000.

The Attorney General was contacted and agrees with my reduction.

Yours very truly,

(Signed) J. James Exon, Governor

JJE:fw

cc: The Honorable Allen Beermann

April 16, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 826 and LB 826A without my signature and with my objections.

While the original intent of this legislation having to do with uniform standard electrical codes for mobile homes and recreational vehicles was reasonable, the Legislature later added language that repealed Sections 81-553 to 81-570. Such amendments necessitated this veto.

In my opinion, the resulting total subject matter in this bill is an improper mix of consideration, and I presume most of the Senators were not aware of their actions in repealing the mentioned statutes.

Had the bill as passed become law, the state Electrical Board would have been abolished immediately.

This is the board that establishes state licensing standards for testing and certification of qualifications for professional master and journeyman electricians. This was accomplished by late floor amendments without careful consideration or study of the possible consequences.

Otherwise, I generally concur with the original intent of the legislation which I hope can be enacted next year without complicating side issues.

Yours very truly,

(Signed) J. James Exon, Governor

JJE:fw

cc: The Honorable Allen Beermann

April 16, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 665 without my signature and with my objections.

The bill repeals the protection now essentially guaranteed elementary and secondary students who work part time from the \$1.50 per hour minimum wage.

In my opinion, the bill is a step backwards and could allow some exploitation of our school age citizens. The bill would allow salary reductions at the will of the employer in such categories.

Yours very truly,

(Signed) J. James Exon, Governor

JJE:fw

cc: The Honorable Allen Beermann

April 16, 1974

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska

Dear Mr. Beermann:

We have received Engrossed Legislative Bill No. 894.

This bill was signed by me on April 16, 1974 and transmitted to you herewith.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:fw

cc: Vince Brown

April 17, 1974

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska

Dear Mr. Beermann:

Pursuant to the Constitution, I am herewith transmitting LB 1040 which I have vetoed along with my objections.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:fw

cc: Vince Brown

April 17, 1974

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 1040 without my signature and with my objections.

While the general thrust of the bill was essentially administration sponsored and backed, late legislative amendments without public hearing, particularly Sections 26, 27, and 28 have made it necessary for me to veto the entire measure.

It is my hope that the act as intended can be passed next year without crippling and unnecessary additions.

The amendments referred to were evidently a feeble legislative attempt to justify its failure, during a session consumed with new and additional spending, to do anything in the area of necessary penal construction or programming. There was much talk, much ado about a \$70,000 study of last year on penal needs, but no action.

You appropriated \$500,000 to the Nebraska Commission on Law Enforcement that they agree with me is not necessary. That agency is presently studying the regional jail concept that you refer to and will be making a report to me accordingly in the near future. This \$500,000 appropriation could not be used for preliminary construction design series since that is not a function of the Crime Commission.

The \$500,000 as appropriated could serve no useful purpose and is hereby eliminated.

Section 28 having to deal with the minimum salary of the Director of Corrections of \$30,000 is not only unreasonable and an invasion of executive authority but unconstitutional as you acted.

An opinion from the Attorney General is attached supporting the latter position.

Yours very truly,

(Signed) J. James Exon, Governor

JJE:fw

cc: The Honorable Allen Beermann

Attachment

April 11, 1974

The Honorable J. James Exon
Governor of Nebraska
State House
Lincoln, Nebraska

Dear Governor:

You ask our advice on the validity of L. B. 1040. You direct our attention specifically to Sec's. 27 - 28 of this bill. You also ask us to comment on the apparent violation of its own rules by the Legislature.

We shall respond to your last comment first. Under Sec. 10, Article III, Constitution of Nebraska the Legislature determines the rules of its proceedings. Thus, how they proceed with reference to any legislation will not, in itself, necessarily invalidate any legislation. The legal question with reference to the validity or invalidity of any act of the Legislature must be limited to whether or not it transgresses any constitutional provision.

You direct our attention specifically to Sec's. 27 and 28 of the bill. Sec. 27 is concerned with an appropriation of \$500,000.00 of the state building fund to the Nebraska Commission on Law Enforcement and Criminal Justice "for the development of programs, plans, surveys, design and facility drawings for the fiscal year ending June 30, 1975." These plans are with reference to regional jail facilities as provided in Sec. 26 of the act. We note that the bill as a whole is concerned with the Department of Correctional Services. Under Sec. 26, the Department of Correctional Services and the Nebraska Commission on Law Enforcement and Criminal Justice are directed and authorized to develop plans and programs for regional jails. In view of this we cannot say that there is any clear constitutional question presented by the appropriation of \$500,000.00 to the Law Enforcement and Criminal Justice Commission for the development of such plans.

Sec. 28 of the act provides for a minimum salary to be paid to the Director of Correctional Services. This section provides for a minimum salary of \$30,000.00 per year and appropriates \$30,000.00 apparently for the purpose of paying this salary. Article III, Sec. 22 Constitution of Nebraska provides in part that bills making appropriations for the pay of members and officers of the Legislature and for the salaries of the officers of the government, shall contain no provision on any other subject. In the case of *State v. Cornell*, 60 Neb. 276 a similar provision was considered in an act of the Legislature. The court there held such a provision invalid. It is our opinion that the appropriation in Sec. 28 of L. B. 1040 falls within this inhibition of the Constitution and is invalid. It is also questionable whether the attempt to fix a minimum salary for the Director of Correctional Services is valid as being amendatory of Sec. 83-172. This section authorizes the Governor to appoint and fix the salary of the Director of Correctional Services with the approval of the Legislature. Sec. 28, L. B. 1040 appears to be amendatory and a possible violation of Article III, Sec. 14 Constitution of Nebraska which states that no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed.

What then is the effect of this invalidity upon the entire act. This is answered in the case of *Merrill v. State*, 65 Neb. 509. In that case the court

held that the part of the act under consideration relating to an attempted appropriation for the salary of the deputy food commissioner which the court had declared unconstitutional in the Cornell case supra, was not an inducing element to the passage of the remainder of the act. Thus the remainder of the act was held to be valid. We think this equally applicable here.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:dnj

MESSAGES FROM THE SECRETARY OF STATE

April 17, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Re: L.B. 94, L.B. 983A, L.B. 1028A

Dear Mr. Brown:

This letter is to officially inform you and the Members of the Legislature that Governor J. James Exon has officially submitted to the office of the Secretary of State on April 16, 1974 at 3:55 p.m., Legislative Bills, 94, 983A and 1028A unsigned and with his line item veto along with a transmittal letter stating his objections exercised by the Governor by means of line item veto reductions. Other than the line item veto reductions, the Governor has given his approval to the remainder of each of the above mentioned Legislative bills.

Please be advised that Legislative bills 94, 983A and 1028A having duly been filed in the office of the Secretary of State, will become law according to the provisions of the Constitution.

Finally, I wish to advise you and the Members of the Legislature that the Legislative Bills aforementioned are a part of the public record in the office of the Secretary of State along with the Governor's letter of transmittal detailing the line item vetoes and his objections thereto.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

April 17, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Re: L.B. 665, L.B. 826, L.B. 826A

Dear Mr. Brown:

On April 16, 1974 at 3:55 p.m., Governor J. James Exon returned to the office of the Secretary of State, Legislative bills 665, 826 and 826A without his signature and with his objections. Inasmuch as these bills aforementioned were not signed and were returned with the Governor's objections, they will be classified vetoed bills and will not become law under the provisions of the Constitution.

Finally, you are hereby notified that the aforementioned bills which have not been signed by the Governor and which are accompanied by a letter stating the Governor's objections, will become a part of the public record in the office of the Secretary of State.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

April 17, 1974

Mr. Vince Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Re: L. B. 1040

Dear Mr. Brown:

On April 17, 1974 at 10:45 a.m., Governor J. James Exon returned to the office of the Secretary of State, Legislative bill 1040 without his signature and with his objections. Inasmuch as this bill aforementioned was not signed and was returned with the Governor's objections, it will be classified as a vetoed bill and not become law under the provisions of the Constitution.

Finally, you are hereby notified that the aforementioned bill which has not been signed by the Governor and which is accompanied by a letter

stating the Governor's objections, will become part of the public record in the office of the Secretary of State.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

REPORT OF EXECUTIVE BOARD Interim Study Resolution Referrals

LR	Committee	LR	Committee
108	Pub. Hlth & Wel.	153	Judiciary
115	Pub. Hlth & Wel.	154	Transp. Adv.
119	Transp. Adv.	156	Misc. Subjects
121	Cons. Rev. & Rec.	158	Exec. Bd
122	Bkg. Comm. & Ins.	159	Exec. Bd
123	Transp. Adv.	160	Labor
124	Public Works	161	Appropriations
126	Education	162	Appropriations
127	Misc. Subjects	163	Revenue
129	Gov. Mil. & Vets Affs	164	Cons. Rev. & Rec.
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(Signed) Eugene T. Mahoney, Vice-Chairman

CERTIFICATE

I, Vincent D. Brown, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided by the Governor and Secretary of State concerning gubernatorial action on bills after adjournment of the Eighty-third Legislature, Second Session.

(Signed) Vincent D. Brown
Clerk of the Legislature

April 18, 1974
Lincoln, Nebraska

INDEXES for LEGISLATIVE JOURNAL

EIGHTY—THIRD LEGISLATURE SECOND SESSION 1974

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Compiled by

VINCENT D. BROWN
Clerk of the Legislature



OPINIONS OF THE ATTORNEY GENERAL

Addressed to
Members of the Legislature

Received from June 27, 1973 to December 20, 1973
during the interim period of the
Eighty-Third Legislature

Opinion No. 65
June 27, 1973

Honorable Jerome Warner
Nebraska State Senator
Waverly, Nebraska 68462

Dear Senator:

In your letter of June 8 you inquire whether or not future legislative action will be necessary in order to make effective all of the provisions of L. B. 10 of the 1973 Session. Your concern arises because of an unusual set of circumstances.

Section 77-2715.01, R. R. S. 1943, was amended by L. B. 529 on June 1 (Legislative Journal, p. 1958). A short time later, on that same day, the Legislature also passed L. B. 10 (L.J., p. 1959), which further amended the same section of the statutes by adding some new language, but without changing any of the language which had been added to the original Section 77-2715.01 by L. B. 529. Both bills were given to the Governor at 3:25 P.M. that day (L.J., p. 1968). The Legislature then adjourned sine die.

On the following day, June 2, in the same letter to the Secretary of State, the Governor advised that he had signed L. B. 10 into law, and that he had vetoed L. B., 529. The veto message which accompanied this letter stated that, "I have vetoed L. B. 529 because of section 16 * * *." There is no section 16 in L. B. 529, and it is obvious that his reference was to the amendment added to Section 77-2715.01 by L. B. 529. L. B. 529 also amended six other sections of the Nebraska statutes, but those sections are not involved in the present discussion. The only question here is whether the language in L. B. 10 which is identical to the amendatory language appearing in the vetoed L. B. 529, is a part of our existing law.

Every law passed by our Legislature carries a presumption of constitutionality. It thus becomes necessary to look at our Constitution to determine whether there is some language in that document which makes it impossible for all of the provisions of L. B. 10 to be considered valid law.

One possible claim which could be raised to the amendatory language taken from L. B. 529 is the fact that that language was not underscored in

the printed final reading copy of L. B. 10. Section 2(c) of Rule 5 of the Rules of the Nebraska Legislature provides:

"An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes or Constitution."

In order to comply with that rule, new language added by an amendatory act is underscored when the bill is printed. But in our view, the failure to underscore that language does not affect its validity as it appears in L. B. 10. It appears to be well settled law that an act of the Legislature will not be declared void or invalid for failure of the legislative body to observe its own rules. All that is required is that a bill be passed in accordance with constitutional requirements, and there is no requirement in our Constitution that new language in an amendatory act must be underscored. (See cases cited on page 358, 1955-56 Report of the Attorney General.) In any event, such underscoring only appears in printed bills, and does not appear in the enrolled bill which a Governor receives and acts upon.

"Every bill passed by the Legislature, before it becomes a law, and every order, resolution or vote (except on questions of adjournment) shall be presented to the Governor. If he approves he shall sign it, and thereupon it shall become a law, but if he does not approve or reduces any item or items of appropriations, he shall return it with his objections to the Legislature, which shall enter the objections at large upon its journal, and proceed to reconsider the bill.* * *." (Section 15, Article IV, Nebraska Constitution.) L. B. 10 was presented to the Governor, he approved it and signed it, and it thereupon became a law unless we can find some language in our Constitution which would provide a basis for a court to say that all or a part of L. B. 10 was invalid.

We do not believe that any question is raised as to the validity of L. B. 529 at the time it was passed on June 1 (L. J., p. 1958), or as to the validity of L. B. 10 when it was passed a short time later on the same day (L. J., p. 1959), nor as to the validity of either bill when they were both presented to the Governor at 3:25 p.m. on June 1. So, is there any specific provision in our Constitution which provides that when a Governor vetoes a bill, it automatically makes invalid similar parts of another bill which he has specifically approved? That question, of course, has to be answered in the negative, so we must look to other more general provisions of our Constitution to see if there is any theory under which part of L. B. 10 could be declared invalid.

The only provision of the Nebraska Constitution which has come to our attention and which might be claimed to invalidate the amendatory language added by L. B. 10, is that part of Section 14 of Article III which states:

"No bill shall contain more than one subject, and the same shall be clearly expressed in the title."

This is the title to L. B. 10:

"A bill for an act to amend Section 77-2715.01, Reissue Revised Statutes of Nebraska, 1943, as amended by Section 7, Legislative Bill 529, Eighty-Third Legislature, First Session, 1973, relating to taxation; to set the individual income tax rate for 1973; and to repeal the original section."

In order to test the validity of the title selected by the Legislature we turn to the case of *Conservative Savings and Loan Association v. Anderson*, 116 Neb. 627, which discusses this subject at length. In that case the title to the act in question was:

"An act to amend Section 8071, 8073, and 8077, Revised Statutes of Nebraska for 1913, and to repeal Sections 8068, 8069, 8070, 8071, 8072, 8073, 8074, and 8077 as now existing."

In that case it had been argued that the title to the act in question did not allude to any subject for legislation and did not give any intimation as to what was contained in the act, and further that the act contained matter which was not germane to the subject matter of the sections amended. This is what our court had to say:

"In construing the constitutional provision above quoted, it is always proper to keep in view the mischief which is sought to be prevented. The purposes of the provision were to prevent 'log-rolling' legislation; to prevent surprise or fraud in the legislature by means of provisions in the bill of which the title gives no intimation; in other words, to prevent surreptitious legislation, and to apprise the people and those interested in the subject of legislation under consideration. It was not the purpose or intent of the framers of the Constitution to put the legislative body in a strait-jacket; nor to require that the titles to legislative acts should be a synopsis of the legislation to be enacted; nor to prevent the legislature from adopting a comprehensive title for a legislative act.

"It is a rule of well-nigh universal recognition that the legislature may amend or repeal previous legislation by a bill, the title to which is one to amend and repeal the sections of the statute to which reference is made, and the rule is well-settled in this jurisdiction that a legislative act, the title to which is to amend certain specific sections of the statutes or a previous act of the legislature, may contain any matter which is germane to the subject-matter of the sections of the statute or legislative act sought to be amended. Decisions by this court sustaining this rule are: *In re Estate of Austin*, ante, p. 137, and cases therein cited. The title to the act in controversy is sufficient to direct everyone interested to the particular sections of the statute which are sought to be amended and to be repealed. By reference thereto, it appears that they all relate to the sale of real estate on execution. The several sections amended or repealed provide for the levy,

appraisal, the manner of appraisal, how the lands should be offered for sale, the notice of sale, redemption, sale and final confirmation of sale by the court. The whole subject-matter of all the sections relates and is germane to the one general subject of sale of real estate on execution."

We think it clear that the title to L. B. 10 meets the test set forth in that opinion. The title expressly stated that it was amending a particular section of the statutes and called attention to the fact that the Legislature had by its earlier action in another bill already amended that section and that it was carrying that language over into L. B. 10. The mere fact that L. B. 529 may have been vetoed a moment or two before L. B. 10 was signed can in no way make the title or a part of L. B. 10 invalid, because our court has gone so far as to say that, "An act which purports to amend an unconstitutional statute may be held to be amendatory of the valid statute, if such there be, which the unconstitutional act purported to amend and repeal." (*Midwest Popcorn v. Johnson*, 152 Neb. 867.) Certainly in the present situation the original section 77-2715.01 was completely valid. And it cannot be claimed that the amendatory language was placed in L. B. 10 in a surreptitious manner, because the Legislature placed it there by its own deliberate act on May 24, one day after it had placed the same language in L. B. 529 (L. J., pp. 1841 and 1862).

We see no basis for a claim that L. B. 10 could contain more than one subject. All of the provisions of the bill deal with the general subject of setting the tax rate.

We think that L. B. 10 is valid legislation in its entirety.

Yours very truly,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:ct

cc: Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 66
July 10, 1973

The Honorable Glenn A. Goodrich
Nebraska State Senator
4408 Walnut Street
Omaha, Nebraska 68105

Dear Senator:

In your letter to this office you refer to L.B. 256 of the 1973 session of the Legislature. This bill contained an appropriation for the construction of Phase I of the Central Utility Facility on the campus of

the University of Nebraska at Omaha. You state that this item was vetoed by the Governor with the statement that " 'this can be built with bonds and paid from the resultant operating savings.' "

According to your letter it is proposed that this facility be constructed by the special corporation that the University formed for the construction of the new field house at Lincoln. Presumably the facility will be leased to the corporation, and it is expected that the facility will reduce utility operating costs on the Omaha campus and these costs savings will be utilized to make payment for the retirement of the bonds. Bonds would be issued to finance the construction. You further state that it is also contemplated that there might be a need for future direct appropriations by the Legislature to meet the payments that would be necessary to the corporation.

You ask us to assume that these statements accurately reflect the facts and ask if there is statutory authority for such a proposal. You further state that you are contemplating appropriate legislation and further ask, if statutory authority does not exist, if such would be constitutionally permissible.

We have reviewed the statutes and note that there is statutory authority for the issuance of revenue bonds to construct athletic structures. See sections 85-401 and 85-402, R. S. Supp., 1972. This type of debt is specifically authorized by Article XIII, Section 1, Constitution of Nebraska.

We find no statutory authority which would authorize the construction of a central utilities facility by the type of funding arrangement set forth in your letter. It is doubtful whether such authority could be granted under the debt limiting provision of our Constitution. See Opinion No. 12, 1965-66 Report of Attorney General, page 20, a copy of which is enclosed herewith. We note from your letter that it is contemplated that future appropriations are to be made. Since our opinion the court has decided the case of *State ex rel. Meyer v. Steen*, 183 Neb. 297, and held that obligations which are to be paid from revenue subject to appropriation by future Legislatures are subject to the state debt limitation provision. Since the facility contemplated does not appear to be one of the exceptions enumerated in Section 1, Article XIII, Constitution of Nebraska, it is questionable whether any statute providing for this type of funding would be valid.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:smh

cc: Mr. Vince Brown
Clerk, Nebraska Legislature

Opinion No. 67

July 11, 1973

The Honorable Terry Carpenter
Nebraska State Senator
Scottsbluff, Nebraska 69361

Dear Senator Carpenter:

You have addressed several questions to this office concerning the Agricultural Products Industrial Utilization Committee, which was established by L.B. 776, 1971 Legislature, and amended by L.B. 1208, 1972 Legislature. You further state that as Chairman of the Legislative Council Executive Board, you, among others have the responsibility of approving the vouchers for payment of expenditures created by the operation of the Committee. This arises, by virtue of the appropriation which will be discussed later.

Section 4 of L.B. 776 created a fund to be known as the Grain Alcohol Fuel Tax Fund, and stated the purposes for which such fund could be used. This was incorporated into the statutes as section 66-467, R. R. S. 1943, and then was subsequently amended by L.B. 1208. This amendment changed the name of the fund to Agricultural Alcohol Fuel Tax Fund but otherwise does not appear to be material to the questions you have asked.

Section 6 of L.B. 776 stated:

“The fund shall be administered by the Agricultural Products Industrial Utilization Committee which is hereby established.

The section further provided for the appointment of the Committee members by the Governor subject to confirmation by the Legislature. This section was amended by L.B. 1208 but the language above quoted remains the same. See, section 66-468, R. S. Supp., 1972.

You ask, “Under the existing laws, who has the legal responsibility for approving the expenditures that have been made or will be made by this Committee?” This Committee and the duties it is to perform is essentially no different than a number of other executive agencies which are presently in existence. The Committee has the duty to administer the fund and is guided in its expenditure of the fund by the provisions of section 66-467, R. S. Supp., 1972. The Committee, therefore, has the legal responsibility for approving expenditures which have been made or will be made under this act assuming, of course, the legality of the expenditure and the sufficiency of the appropriation.

In your second question you ask, “Is this Committee responsible to anybody except themselves if the Executive Board, through its Chairman, is unwilling to verify the vouchers of the Committee? In this case, who does have the legal responsibility to approve their expenditures? If the

authority does not exist in any area of state government, are the only solutions available a) a special legislative session, or b) waiting until the Legislature convenes in regular session in order to provide the mechanics that, in my judgment, are not available?"

As pointed out in our answer to question one, it is the legal responsibility of the Agricultural Products Industrial Utilization Committee to approve the expenditures made by that Committee. In your letter we note that this approval has been sought in the past from the Executive Board of the Legislative Council. This, apparently for the reason, that L.B. 259 section 2(6) and section 87(1) seeks to appropriate the Agricultural Alcohol Fuel Tax Fund to the Legislative Council for "Program 516 -- Agricultural Products Committee." This is not contemplated by section 66-467 and section 66-468, R.S. Supp., 1972. We have examined L.B. 259 and find no appropriation of said fund to the Agricultural Products Industrial Utilization Committee which has the duty under the statute to administer the fund. Since the appropriation contained in L.B. 259 is to an agency which has no statutory authority to administer the Agricultural Alcohol Fuel Tax Fund, and, since there is no appropriation to the agency that is authorized to do so, no expenditure can be made from this fund until the matter is corrected by the Legislature. We might point to another reason that the operation of the Committee cannot be subjected to the control of the Executive Board of the Legislative Council. The duties to be performed by the Committee are essentially executive duties. The Legislature can certainly, by the enactment of appropriate legislation, impose duties upon the various executive boards it may create, but section 1, Article II, Constitution of Nebraska, does not permit an agency of the Legislature to perform executive functions.

We therefore find no authority in the Executive Board of the Legislative Council to approve vouchers and expenditures of this Committee. We are of the opinion that the appropriation, as made in L.B. 259, cannot be expended for the purposes of Section 66-467, R. S. Supp., 1972, by the Legislative Council. We further find that there is no proper appropriation of the Agricultural Alcohol Fuel Tax Fund to the Agricultural Products Industrial Utilization Committee which does have the statutory authority under section 66-467. Since there is no valid appropriation, no funds can be expended. This, can only be remedied by legislative action.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:smh

cc: Mr. Vince Brown
Clerk of the Nebraska Legislature

Opinion No. 70
July 16, 1973

Honorable Wally Barnett
Nebraska State Senator
6201 Francis
Lincoln, Nebraska 68505

Dear Senator Barnett:

In a recent inquiry to this office you have asked the proper amount of reimbursement due a parent or a guardian for transporting a qualified handicapped child fifty (50) miles one way (100 miles round trip) between the place of the child's residence and the state-operated school in which the child is enrolled.

The pertinent statute, of course, is Neb. Rev. Stat., Section 43-607(3) (Supp. 1972). We have discussed the interpretation of this statute and your inquiry with the State Department of Education. The State Department of Education has advised this office that it is their opinion that the above statute has application to the parent or guardian of a qualified child who resides at the Nebraska School for the Deaf or the Nebraska School for the Visually Handicapped, as well as the qualified child who is enrolled thereat and commutes; that the amount of reimbursement is limited to four hundred dollars per year; and that no reimbursement can be paid under this statute for the distance between the state-operated school and the place of the child's residence (the return trip). In the example given in your inquiry the distance between the place of residence and the state-operated school is fifty (50) miles (100 miles round trip) and consequently the State Department of Education is of the opinion that the parent or guardian of a qualified child could be reimbursed for as many as five (5) trips per year in the amount of twenty dollars (\$20.00) per trip, subject to the limitations stated in Neb. Rev. Stat., Section 43-607 (Supp. 1972) which may have application thereto. It appears to us that the interpretation given this statute by the State Department of Education is correct and is hereby approved.

Very truly yours,
CLARENCE A. H. MEYER
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 77
July 24, 1973

Honorable Ramey C. Whitney
Chairman, Nebraska Retirement Systems
Nebraska State Senator
Chappell, Nebraska 69129

Dear Senator Whitney:

In your letter of June 21, 1973, you ask whether the Legislature has the power to require full funding of the Retirement Systems for home-rule charter cities. Our conclusion is that it does.

In the case of *Ratigan v. Davis*, 175 Neb. 416, 122 N. W. 2d 12, the court said:

"* * *. It [The Legislature] also has plenary power over all municipal corporations. Except as limited by the Constitution, its power over municipalities is absolute. * * *."

In *Dwyer v. Omaha-Douglas Public Building Commission*, 188 Neb. 30, 195 N. W. 2d 236, the court said:

"* * *. Appellee cites *Omaha Parking Authority v. City of Omaha*, 163 Neb. 97, 104, 77 N. W. 2d 862: '... a provision of a home rule charter takes precedence over a conflicting state statute in instances of local municipal concern, but when the Legislature enacts a law affecting municipal affairs which is of statewide concern, the state law takes precedence over any municipal action taken under the home rule charter.'

"The term state-wide as correctly quoted from the above opinion is somewhat misleading when examined in the light of the genesis of the rule and the language of other cases which discuss the issue. These other cases have distinguished 'between matter of strictly municipal concern and those of state concern.' In *Carlberg v. Metcalfe*, 120 Neb. 481, 234 N. W. 87, the court said: 'The Constitution does not define which laws relate to matters of strictly municipal concern and which to state affairs. There is no sure test which will enable us to distinguish between matters of strictly municipal concern and those of state concern. The court must consider each case as it arises and draw the line of demarcation. . . . It is the well-established law of this state that, in matters of strictly municipal concern, cities which have adopted a "home rule" charter under article XI of the Constitution are not subject to state legislation. But, in such cities, state legislation is not excluded upon such subjects as pertain to state affairs as distinguished from strictly municipal affairs.' "

The question then, would appear to be whether the general subject of retirement benefits for home-rule charter city employees is a matter of

state-wide concern. In *Axberg v. City of Lincoln*, 141 Neb. 55, 2 N.W. 2d 613, the court concluded that a statute providing for firemen's pensions in home-rule cities was a matter of state-wide concern, saying:

"The purpose of the home rule charter provision of the Constitution was to render the cities adopting such charter provisions as nearly independent of state legislation as was possible. Under it a city may provide for the exercise of every power connected with the proper and efficient government of the municipality where the legislature has not entered the field. Where the legislature has enacted a law affecting municipal affairs, but which is also of state concern, the law takes precedence over any municipal action taken under the home rule charter. But where the legislative act deals with a strictly local municipal concern, it can have no application to a city which has adopted a home rule charter. Whether or not an act of the legislature pertains to a matter of local or state-wide concern becomes a question for the courts when a conflict of authority arises."

We conclude that, if the furnishing of fire protection is a matter of state-wide concern, as held by *Axberg v. City of Lincoln*, that the furnishing of the services furnished by a municipality, in general, is a matter of state-wide concern, and that a provision requiring full funding for the Retirement Systems of all cities of a particular class, including home-rule charter cities, would be upheld. We believe this to be an answer to the question you asked. However, as your question is phrased, it may be that you are asking about legislation to pertain to home-rule cities only, and not to other cities of the same class which are not home-rule cities. If that is your question, such legislation would probably be held to be special legislation in violation of Article III, Section 18 of the Constitution. *Axberg v. City of Lincoln*, supra, held that treating home-rule cities differently from other cities of the same class constituted class legislation in violation of that section of the Constitution. But, in our opinion, a general law of the type you have described which applies to all cities of the same class, including home-rule cities, would be upheld.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ct

cc: Vincent D. Brown
Clerk of the Legislature

Opinion No. 81
August 2, 1973

Honorable Steve Fowler
Nebraska State Senator
1212 E, Apt. 1B
Lincoln, Nebraska 68508

Dear Senator Fowler:

You request our opinion whether general political campaign contribution statutes would apply to a contribution by a corporation relative to an election to amend the charter of a home rule city. Our opinion is stated below.

The Legislature, by L.B. 267, Nebraska Legislature, Eighty-Third Legislature, First Session (1973), repealed all of the Corrupt Practices Act, at Chapter 32, Article 11, R. R. S. 1943, as amended. Included therein was Section 32-1129, R. S. Supp., 1972, which did (and does until the effective date of L.B. 267), regulate political campaign contributions. For your legislative purposes, we have reviewed your question only under L.B. 267, which will represent the law at the time the Legislature may next be expected to convene.

Section 16 of L.B. 267 provides, in part, as follows:

"It shall be lawful, more than six days before or after any election, for any corporation, * * * to contribute to any political committee * * *. If such a contribution is made, such corporation, * * * shall file a written sworn statement with the Secretary of State within five days of the date of such contribution, fully disclosing the nature, date, and value of the contribution, * * * the proposition in behalf of which or in opposition to which it was made. * * *"

The Section continues to provide penalties for the failure of the corporation to make the required filing.

Section 1 of L.B. 267 provides:

"As used in this act, unless the context otherwise requires:
" * * * * * ,

"(2) Proposition shall mean any lawfully submitted proposal for an amendment to the state Constitution, for the calling of a state constitutional convention, for the enactment of a statute by initiative, or for the repeal of any act of the Legislature or portion thereof by referendum which appears on an election ballot for approval or rejection by the electors;
" * * * * * ,

"(4) Political committee shall mean any committee, * * * which * * * money * * * to be used wholly or in part * * * in promoting or preventing the approval of any proposition; * * * ,"

Clearly, Section 16 does not apply to a campaign in respect to an electoral proposition other than one of the statewide propositions set out in Section 1 (2) of L.B. 267. An election to amend a city charter would not involve a proposition as so defined.

We consider this result to have been intended by the Legislature in that Section 1 (1) of L.B. 267 does define candidate expressly to include candidates for city office in any home-rule charter city (though not in other cities). We must conclude that the Legislature considered the matter of home-rule charter elections and decided to include officer, but not proposition, elections within the provisions of L.B. 267.

You request our advice concerning possible legislation to extend the scope of the current laws on this subject. Such might be done in several ways, but one would be by amendment of Section 1 (2) of L.B. 267 expressly to include any additional types of electoral propositions to which you wish to extend coverage.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Calvin E. Robinson
Assistant Attorney General

CER:jc
cc: Vincent D. Brown
Clerk of the Legislature

Opinion No. 82
August 16, 1973

Honorable Terry Carpenter, Chairman
Legislative Council Executive Board
State Capitol Building
Lincoln, Nebraska

Dear Senator:

You request our advice as to whether certain Revolving Funds used in the Department of Administrative Services meet constitutional requirements. Your letter indicates the concern of your board with respect to the legislative responsibility for the appropriation of monies for the operation of the department. We are enclosing a copy of Opinion No. 22, dated March 31, 1969, 1969-1970, R. of A. G., p. 35. This opinion is a general discussion of the use of Revolving Funds for the operation of a state department.

Section 1 of L. B. 259, 1973 Legislature, adopts the definitions contained in the Accounting Manual on file in the office of the Clerk of the Legislature as the definitions for the appropriations bill. A Revolving Fund is defined as:

“A fund from which monies are continuously expended, replenished, and again expended through checking accounts, cash on hand, etc.”

--Accounting Manual, IX-27.

The method of expenditure for Revolving Funds as set forth in the definition is certainly not in accordance with Article III, Section 25 of the Nebraska Constitution. We find no definition of a “Cash” Fund.

We note that in Section 87 (39) an appropriation is made to the Department of Administrative Services of the Data Processing Cash Fund, (Section 81-1117 (7)), and the Telecommunications Cash Fund (L.B. 431).

Revolving Funds appropriated to the Department of Administrative Services appear in Section 90 of L. B. 259. These include the Purchasing Department Revolving Fund (for which we find no statutory authority), Meter Postage Fund (Section 81-167), Telephone Expense Revolving Fund (Section 72-706), Telecommunications Revolving Fund (Section 81-1120, 08), Transportation Services Revolving Fund (Section 81-1010), Surplus Property Revolving Fund (for which we find no statutory authority), and Automobile Replacement Revolving Fund (for which we find no statutory authority). We note that Section 81-1010, R. S. Supp., 1972, specifically provides that acquisition of motor vehicles under the Transportation Services Bureau shall be purchased from that fund.

Some of these funds are called Cash Funds and others are called Revolving Funds. We have indicated that the majority of these funds are of statutory origin. We do not specifically rule as to the constitutional validity of each of these funds in view of the letter to the Legislature found at page 36 of the Legislative Journal, 1973 Legislature. We will, however, point to certain questionable areas in this type of operation.

For example, the Data Processing Cash Fund is basically not a “Cash” Fund at all. This fund arises in part from General Fund appropriations to the Department of Administrative Services and in part from General Fund appropriations to the other agencies of the State which use the data processing services of the Department of Administrative Services. Program No. 172, L. B. 259, Section 64(2) appropriates over two and one-half million dollars to this agency purportedly as a “Cash” Fund. This fund arises by virtue of Section 81-1117 which authorizes a system of charges for the services rendered by the Central Data Processing Services Division to other departments of state government. As this section reads (81-1117) a maximum hourly charge was imposed for the 1969-1971 biennium. Presently there apparently is no maximum limitation on the charges to the various departments by the Central Data Processing Services Division. True, there is an overall limitation in the appropriation bill, but factually the Central Data Processing Services Division is receiving its appropriation indirectly through General Fund and other appropriations to various other departments. In effect, this agency determines its own appropriation. We question whether this is a proper method of appropriation unless the

Legislature has limited the cost elements in advance. See the attached opinion. The same principle is true with reference to all Revolving Funds.

You further request our opinion as to what differences exist between Cash Funds and Revolving Funds and to what degree should these various funds be used in the appropriations process. This question is essentially a question for the Auditor and one of policy for the Legislature. Such funds, within limits of the Constitution, can be defined by the Legislature in such manner as it sees fit. The use of such type funds should, in our opinion, be kept to a minimum though under certain circumstances their use is definitely a convenience in serving the public and in the operation of a state department.

We will be willing to work with your committee and the Legislative Bill Drafter in event amendatory legislation is contemplated.

Very truly yours,

CLARENCE A. H. MEYER

Attorney General

(Signed) Gerald S. Vitamvas

Deputy Attorney General

GSV:ct

Enclosure

cc: Vincent D. Brown

Clerk of the Legislature

Attachment

Opinion No. 22

March 31, 1969

Honorable John E. Knight

Member of the Legislature

Capitol Building

Lincoln, Nebraska

Dear Senator:

You ask, "What is the constitutionality of the use of revolving funds to run D. A. S. ?" We believe that the use of revolving funds for the purpose stated in the question is a violation of Section 25, Article III, of the Constitution of Nebraska. This provision of the Constitution provides that no allowance shall be made for the "incidental expenses of any state officer except the same be made by general appropriation and upon an account specifying each item. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, * * *."

Under Section 81-1114, R. S. Supp., 1967, and 81-1119, R. R. S. 1943, the Data Processing Revolving Fund and the Administrative Services Revolving Fund were created originally in 1965. The primary

fund is the Administrative Services Revolving Fund and is the one we shall discuss though, to some extent, the legal principles pertain to both.

Section 81-1119 authorizes the Department of Administrative Services to develop a system of charges based upon services purportedly performed for other agencies of State government. These charges are then billed to the various departments and the payments made pursuant to such billings are credited to the Administrative Services Revolving Fund. Expenditures for the operation of the Department of Administrative Services are to be made from this fund "in accordance with appropriations by the Legislature." This section does contain the restriction in subparagraph (6) that the total of the collections and of the amount appropriated from the general fund shall never exceed the amount appropriated by the Legislature to the department during the fiscal period. This indicates that further appropriation to the department by the Legislature was contemplated.

In the case of *State v. Moore*, 50 Neb. 88, 69 N. W. 373, our Supreme Court held that an appropriation, within the meaning of our Constitution, is the setting apart by law of a certain sum from the public revenue for a specified purpose, so that the executive officers are authorized to expend that sum, and no more, for that purpose, and no other. In the same case it was also held that an appropriation is not specific if it leaves the amount to be expended to be limited only by the extent of claims which may regularly be made upon it by the recipients, the amount of those claims being uncertain.

The funds for the operation of the Department of Administrative Services is purportedly appropriated by Section 72(1) of L. B. 922, 1967 Legislature, Laws 1967, p. 1060. True, an appropriation is also made from the general fund, see Sec. 47, p. 1034, in the same bill, but it is obvious that this would only be adequate for a part of the operation of the department. The bulk of the departmental expenditures must necessarily come from the appropriation of the revolving fund by Sec. 72(1) of L. B. 922. This purports to be an appropriation of the receipts by the Department of Administrative Services of billing charges made to other agencies of the State. No limit is placed on the amount of expenditures which may be made by this department. A review of Section 81-1119 establishes that the cost of furnishing so-called services to other departments is to be determined by the Department of Administrative Services. All factors which might affect these costs are to be considered, including salaries and wages of their personnel. By increasing salaries and wages or the number of personnel, the department increases the cost to other state agencies. Thus, the department determines its own appropriation and is not subject to the usual legislative or constitutional restrictions. Under the holding of the Supreme Court in *State v. Moore*, supra, this is not a specific appropriation.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:ejg

Opinion No. 100
November 14, 1973

Honorable Richard Maresh
Nebraska State Senator
Milligan, Nebraska 68406

Dear Senator Maresh:

You have requested our opinion as to whether municipalities may contribute funds to non-profit organizations which have been formed for the purpose of furnishing urban transportation for senior citizens.

Subordinate political subdivisions, such as counties and municipalities, possess the following powers, and no others: First, those granted by express statutory words; second, those necessarily or fairly implied in or incident to the powers expressly granted; and, third, those essential to the declared objects and purposes of the political subdivision--not simply convenient, but indispensable. *United Community Services v. The Omaha Nat'l Bank*, 162 Neb. 786. The following is an excerpt from the *United Community Services* opinion which, we believe, controls the resolution of the question here under consideration:

"* * *. While we are not unmindful of the fact there is some reasonable basis for the argument made, particularly in view of the evidence adduced to the effect that these contributions bring some benefits to the district and therefore should be considered as operating expenses, nevertheless, we think the matter of subjecting all such public corporations to solicitations by all classes of nonprofit agencies serving a public purpose is a matter of such grave public concern that it should be left with the Legislature which has plenary power over them. There the pros and cons of the matter can be fully presented and that body determine the public policy in regard thereto. We think the purposes served by these agencies are very worthy of everyone's charity but whether or not the revenue of public corporations should be permitted to be contributed for those purposes through these agencies, and to what extent, is, we think, a matter for the Legislature and not the courts. In the absence of express statutory authorization we find the district as without authority to make these contributions."

Accordingly, we are compelled to conclude that there is no authority for a municipality to contribute to a project such as outlined above.

As was noted in the United Community Services opinion, simply because a given cause may be highly exemplary in nature does not mean that a government subdivision may expend public funds in support thereof.

Without any specific legislative proposal before us, we are unable to express any categorical opinion as to whether valid legislation can be drafted to enable contributions of this nature. However, we are inclined to think that it is probably within the power of the Legislature to enact some valid legislation along those lines.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:jc
cc: Vincent D. Brown
Clerk of the Legislature

Opinion No. 101
November 29, 1973

Honorable Orval A. Keyes
Nebraska State Senator
240 North 8 Street
Springfield, Nebraska 68059

Dear Senator Keyes:

You have requested our opinion as to whether your proposed amendment to Section 28-954, R. R. S. 1943, would be effective for the purpose of accomplishing a legal requirement for the establishment of a delivery point in Nebraska for commodity futures transactions. We believe not.

Dealing in commodity futures which are conducted through boards of trade are under the regulation of the Federal Commodities Exchange Act, 7 U.S.C.A., Section 1, et seq. Although there undoubtedly are brokers in Nebraska through whom dealings in commodity futures may be initiated, the legal situs of transactions on a board of trade is the state in which the board is located. *Hoyt v. Wickham*, 25 F. 2d 777. Accordingly, a state in which the board is not located would not under any circumstances have jurisdiction to enact or enforce laws with respect to the transaction of grain futures business on such board. *Hoyt v. Wickham*, supra.

While the Commodities Exchange Act does not seem to completely exclude the possibility of some state regulation over boards of trade, it is quite doubtful, in our opinion, that even the situs state could lawfully enact legislation dictating the number or location of delivery points for commodity futures transactions. The location of delivery points appears to be a matter over which the United States Secretary of Agriculture is vested with control. Therefore, any attempt to obtain provision for a delivery point in Nebraska probably should be pursued at the federal level.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 102
November 29, 1973

The Honorable John DeCamp
Nebraska State Senator
Neligh, Nebraska 68756

Re: Leasing of School Land

Dear Senator DeCamp:

This is in reply to your four questions concerning the management of school lands by the Board of Educational Lands and Funds.

The answer to your first two questions is that the Board of Educational Lands and Funds was not created by the Legislature but was created by Article VII, section 6 of the Constitution, which provides in part:

“* * *. The general management of all lands set apart for educational purposes shall be vested, under the direction of the Legislature, in a board of five members to be known as the Board of Educational Lands and Funds. * * *.”

The delegation of authority to the Board of Educational Lands and Funds by the Legislature is, as you can see, specifically authorized by the Constitution. If there are any limits to the authority of the Board of Educational Lands and Funds it would be within the bounds necessary for the preservation of the trust property. Generally the limits would be those powers normally exercised by a trustee of trust property. The objectives

would be twofold, the preservation of the trust property, and the best interest of the beneficiaries of the trust, the schools of the state.

If I understand your third question it is, does the raising of the rent by the Board of Educational Lands and Funds constitute an illegal and unreasonable exercise of the power of the Board. In our opinion it is not illegal. Whether it is unreasonable or not is a question of fact which we are unable to determine and may only be determined by the Legislature or the courts.

As to the legality of the Board's action, Section 72-204, R. R. S. 1943, provides that the Board cause all lands to be appraised (1) at least once each three years, (2) each time that the land is leased or that an assignment of a lease is made, and (3) when the Board deems it to be the best interest of the state. Section 72-205, R. R. S. 1943, provides that in arriving at a schedule of valuation the Board shall consider the sale price and the average crop production of other lands in the county, the rental value of other lands similarly situated, and any other relevant factors bearing upon the valuation of such school lands. After the adoption of the new schedule of valuations they are required to be filed with the County Treasurer and notice of such filing given by publication in a newspaper in general circulation within the county. The Board is then required to notify the lessee of the amount of his semiannual rental. If the lessees of a county are unhappy with the new rental a method is provided whereby the lessees may request a hearing of the Board for reconsideration of the evaluations.

The answer to your final question is that without going into a great deal of detail, which would necessarily include the history of the acquisition and administration of school lands, it is doubtful that legislation could be drafted which would withstand a constitutional test if it would have the net effect of returning all rent money to the counties and schools in which the land is located. We might point out that considering the provisions of Section 79-1302 the increase in rent of school lands will necessarily result in an increase to the school district within which the school land is located.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Bernard L. Packett
Assistant Attorney General

BLP:smh

cc: Mr. Vincent Brown, Clerk
Nebraska Legislature

Opinion No. 104
November 30, 1973

The Honorable Wally Barnett
Nebraska State Senator
6201 Francis Street
Lincoln, Nebraska 68505

Dear Senator:

In your letter of November 28, 1973, you request our opinion on questions generally relative to the State's lease of office space.

Q. 1. "Is the Legislature responsible and mandated to allocate funds to pay for the renting of space throughout the city when there is a lease agreed upon between the two parties?"

Conclusion: Except for its general duty, under Art. III, Sec. 25, Constitution of Nebraska, to provide for the incidental expenses of state officers, the Legislature cannot be legally obligated to make an appropriation.

Q. 2. "When any other agency of state government indebts this Legislature to mandatory funding for the on-coming years, what would be the result if the Legislature failed to fund such contracts?"

Conclusion: The conclusion above stated makes this question moot as a legal matter. As a practical matter, an answer would require analysis of a given lease situation, and no such situation is before us.

Q. 3. "Does the state debt limit take precedence over the latest contract amount on the appropriations?"

Conclusion: All contractual obligations of the State of Nebraska are subject to the applicable provisions of state and federal constitutions and statutes. Assessment of this impact would require analysis of specific contractual provisions.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Calvin E. Robinson
Assistant Attorney General

CER:smh
cc: Mr. Vincent Brown, Clerk
Nebraska Legislature

Opinion No. 109
December 20, 1973

The Honorable Thomas C. Kennedy
Nebraska State Senator
Box 326
Newman Grove, Nebraska 68758

Dear Senator:

In your letter of December 12, 1973, you ask whether a natural resources district can purchase land on a contract basis, with the purchase price to be paid over a two to five year period. You have informed us that you need this opinion for the purpose of possibly drafting amendatory legislation, dependent upon our answer. We have been unable to find any authority for a natural resources district to enter into a contract of the type you describe, but we believe that the statutes authorize a purchase of real estate with an immediate conveyance to the natural resources district, and a mortgage back to the seller for a portion of the purchase price.

In *Lang v. Sanitary District*, 160 Neb. 754, 71 N.W. 2d 608, the court said:

"As stated in 64 C.J.S., *Municipal Corporations*, Section 1833, p. 325: 'A municipal corporation may incur indebtedness or create obligations binding on it when and only when the power to do so is expressly conferred on it by constitution, statute, or charter, or is necessarily or reasonably implied from the powers expressly granted, or is essential to the objects for which the corporation was created.' See, also Section 1869, p. 422, where it said: 'Municipal corporations have no inherent power to borrow money; when authorized by constitutional or statutory provisions to do so, a municipal corporation must comply with all the requirements of such provisions.' "

The court also stated in that case that a rule of strict construction would be applied in determining whether the political subdivision had the right to incur indebtedness. With these principles in mind, we have examined the statutes dealing with natural resources districts, and have been unable to find any authorization for the type of contract you refer to. Section 2-3228, R. R. S. 1943, gives the district power to borrow money to carry out the provisions of the act, but we do not equate purchasing real estate on contract with borrowing money. Section 2-3231 gives the districts certain contractual powers, but none of the kind in question. Section 2-3227 refers to a sinking fund established for the purpose of providing for the payment of principal or interest of any contract, but since other sections give the district authority to enter into various types of contracts, we do not believe that this can be construed to authorize a contract for the purchase of real estate.

Section 2-3233 authorizes the districts to purchase real estate, and Section 2-3234 gives the district the power of eminent domain. Nowhere, however, do we find any authority for the district to enter into long-term contracts when acquiring such real estate. Since these political subdivisions have only such powers as have been given them by statute, we conclude that they do not have the power to enter into such contracts.

However, Section 2-3233, among other things, gives the districts the power to encumber real estate. This might, of course, be construed to simply authorize the districts to encumber real estate in connection with the borrowing of money authorized by Section 2-3228, but, since the district could borrow money pursuant to that section for the purpose of purchasing real estate, and could give a mortgage on the real estate to the lender to secure the loan, we can perceive no reason why the district could not, instead, give such a mortgage to the seller. This would accomplish the same result as an installment sale contract, since the Federal Income Tax Regulations, Section 1.453-4 provides:

“Sales of real property involving deferred payments include (1) agreements of purchase and sale which contemplate that a conveyance is not to be made at the outset, but only after all or a substantial portion of the selling price has been paid, and (2) sales in which there is an immediate transfer of title, the vendor being protected by a mortgage or other lien as to deferred payments.”

It is therefore our conclusion that a contract for the sale of real estate over an extended period of time, with the conveyance to be made when the purchase price has been paid in full, is not authorized, but a purchase of real estate with immediate conveyance of title to the district, and a mortgage back to the seller for the unpaid portion of the purchase price is authorized.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smh

cc: Mr. Vince Brown

Clerk of the Nebraska Legislature

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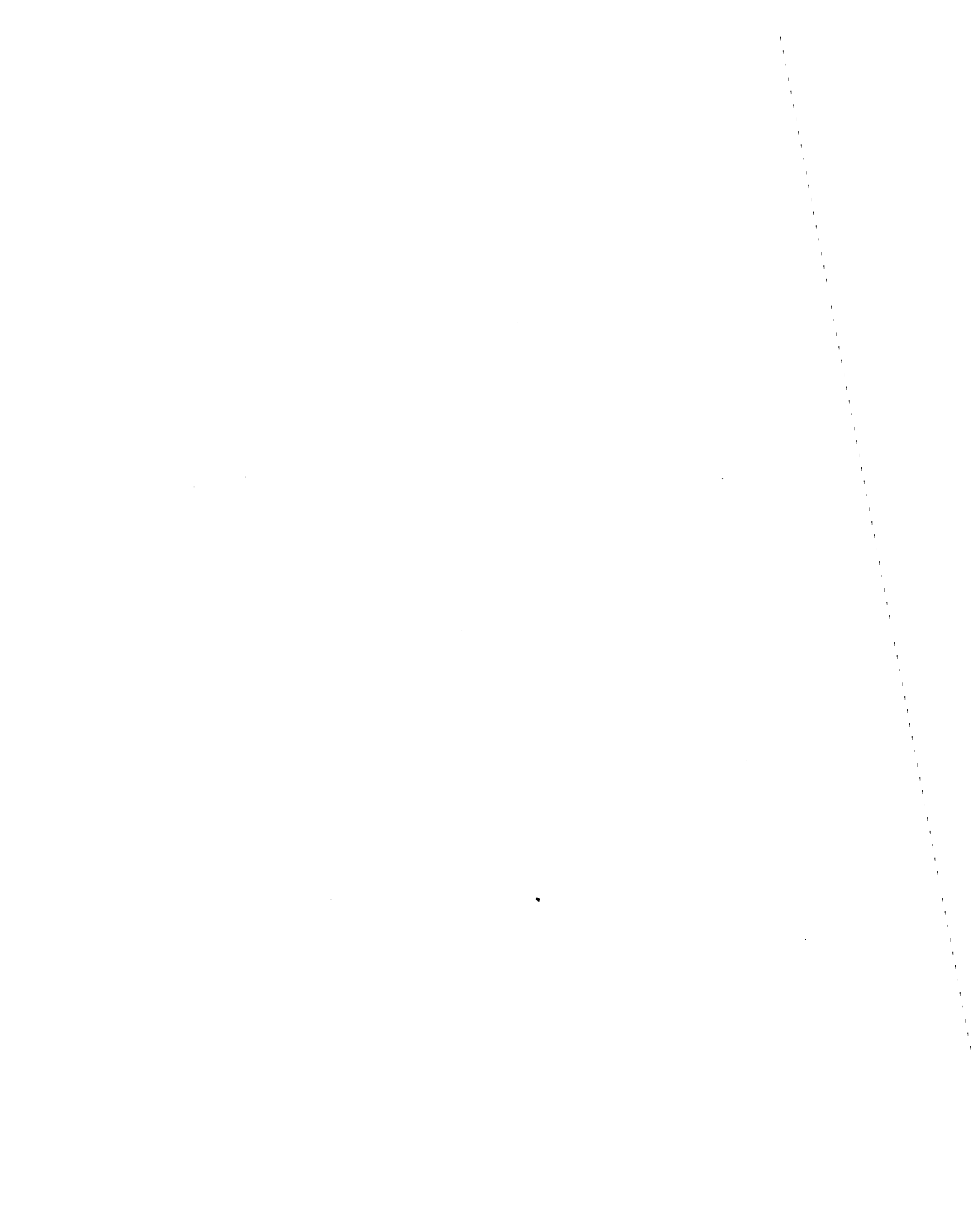
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Jan. 1	Title	62
Jan. 29	Indefinitely postponed	404

LEGISLATIVE BILL 161 By Interim Committee on Insurance

Jan. 1	Title	62
Jan. 2	Unbracketed	124
Jan. 2	Bracketed	125
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 162 By Waldron

Jan. 1	Title	62
Jan. 2	Bracketed	109
Jan. 7	Replaced on Select File	172
Jan. 7	Referred for re-engrossment	177
Jan. 9	Replaced on Select File	198
Jan. 10	Referred for re-engrossment	220
Jan. 17	Correctly re-engrossed	299
Jan. 21	Final Reading	334
Jan. 22	Correctly enrolled. President signed	358
Jan. 23	Presented to Governor	373
Jan. 29	Approved by Governor	399

LEGISLATIVE BILL 162A By Waldron

Jan. 1	Title	62
Jan. 2	Bracketed	109

Jan. 7	Replaced on Select File	172
Jan. 7	Referred for re-engrossment	178
Jan. 9	Replaced on Select File	198
Jan. 10	Referred for re-engrossment	220
Jan. 17	Correctly re-engrossed	299
Jan. 21	Final Reading	334
Jan. 22	Correctly enrolled. President signed	358
Jan. 23	Presented to Governor	373
Jan. 29	Approved by Governor	399

LEGISLATIVE BILL 171 By F. Lewis

Jan. 1	Title	62
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 174 By Stromer

Jan. 1	Title	63
Feb. 27	Motion. Motion lost. Indefinitely postponed	859

LEGISLATIVE BILL 190 By Kremer

Jan. 1	Title	63
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 202 By Judiciary Committee

Jan. 1	Title	63
Mar. 18	Indefinitely postponed	1144

LEGISLATIVE BILL 204 By Executive Board

Jan. 1	Title	63
Feb. 28	Indefinitely postponed	881

LEGISLATIVE BILL 212 By Interim Committee on Truth in Advertising

Jan. 1	Title	63
Jan. 3	Referred for Review	147
Jan. 7	Placed on Select File	170
Jan. 8	Referred for engrossment	188
Jan. 14	Correctly engrossed	233
Jan. 18	Final Reading	313
Jan. 21	Correctly enrolled. Speaker signed	330
Jan. 22	Presented to Governor	357
Jan. 24	Approved by Governor	383

LEGISLATIVE BILL 217 By Chambers

Jan.	1	Title	63
Jan.	2	Motion. Motion lost. Referred for Review	126
Jan.	4	Placed on Select File	163
Jan.	7	Referred for engrossment	177
Jan.	9	Correctly engrossed	203
Jan.	15	Final Reading	256
Jan.	15	Explanation of vote	263
Jan.	17	Correctly enrolled. President signed	300
Jan.	17	Presented to Governor	302
Jan.	17	Returned by Governor without approval	304
Jan.	17	Motion. Motion lost	305
Jan.	18	Explanation of vote	313
Jan.	18	Motion. Motion pending	316
Jan.	21	Motion renewed. Motion lost	346

LEGISLATIVE BILL 223 By Kennedy

Jan.	1	Title	64
Jan.	7	Notice of hearing	179
Jan.	9	Notice of hearing	202
Feb.	15	Placed on General File	660
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 223A By Kennedy

Feb.	25	Read first time. Placed on General File	755
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 228 By Judiciary Committee

Jan.	1	Title	64
Jan.	2	Bracketed	109
Jan.	7	Bracketed	171
Feb.	8	Amendments printed	561
Feb.	14	Unbracketed. Returned to Select File. Referred for re-engrossment	639
Feb.	18	Correctly re-engrossed	681
Feb.	26	Final Reading	804
Feb.	27	Correctly enrolled	831
Feb.	28	President signed	864
Feb.	28	Presented to Governor	876
Mar.	5	Approved by Governor	921

LEGISLATIVE BILL 228A By Luedtke

Jan. 1	Title	64
Jan. 2	Bracketed	109
Jan. 7	Bracketed	171
Feb. 8	Amendments printed	564
Feb. 14	Unbracketed. Returned to Select File. Referred for re-engrossment	639
Feb. 18	Correctly re-engrossed	681
Feb. 26	Final Reading	804
Feb. 27	Correctly enrolled	831
Feb. 28	President signed	864
Feb. 28	Presented to Governor	876
Mar. 5	Approved by Governor	921

LEGISLATIVE BILL 230 By Hasebroock

Jan. 1	Title	64
Jan. 2	Unbracketed	124
Jan. 2	Laid over	125
Jan. 4	Bracketed	165
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 237 By Judiciary Committee

Jan. 1	Title	64
Jan. 2	Motion. Motion pending	124
Jan. 3	Withdrawn	142

LEGISLATIVE BILL 238 By Wiltse

Jan. 1	Title	64
Jan. 2	Unbracketed	124
Jan. 2	Bracketed	125
Jan. 4	Bracketed	165
Mar. 18	Amendments printed	1160
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 254A By Schmit

Jan. 1	Title	65
Jan. 2	Bracketed	109
Jan. 7	Bracketed	171
Apr. 9	Unbracketed. Motion. Motion lost	1572
Apr. 10	Bracketed	1601
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 271 By Interim Committee on Housing

Jan.	1	Title	65
Mar.	28	Placed on General File	1396
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 280 By Appropriations Committee

Jan.	1	Title	65
Jan.	2	Bracketed	109
Jan.	7	Final Reading	173
Jan.	8	Correctly enrolled	184
Jan.	8	President signed	185
Jan.	8	Explanation of vote	192
Jan.	9	Presented to Governor	203
Jan.	15	Message from the Governor	266
Jan.	15	Motion. Motion lost	271
Jan.	17	Approved by Governor	298

LEGISLATIVE BILL 280A By Marvel

Jan.	1	Title	65
Jan.	2	Bracketed	109
Jan.	7	Final Reading	173
Jan.	8	Correctly enrolled	184
Jan.	8	President signed	185
Jan.	8	Explanation of vote	192
Jan.	9	Presented to Governor	203
Jan.	17	Approved by Governor	298

LEGISLATIVE BILL 287 By DeCamp

Jan.	1	Title	65
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 288 By DeCamp

Jan.	1	Title	65
Jan.	2	Bracketed	132
Jan.	21	Indefinitely postponed	348

LEGISLATIVE BILL 293 By Simpson

Jan.	1	Title	66
Jan.	4	Bracketed	165
Jan.	21	Bracketed	350

Jan. 22	Bracketed	366
Jan. 30	Laid over	445
Feb. 5	Bracketed	512
Feb. 8	Unbracketed	568
Feb. 11	Laid over	592
Feb. 13	Referred for review	625
Feb. 18	Placed on Select File	695
Feb. 19	Referred for engrossment	717
Feb. 25	Replaced on Select File	745
Feb. 26	Laid over	810
Feb. 27	Referred for engrossment. Bracketed	854
Mar. 5	Unbracketed	929
Mar. 5	Returned to Select File. Referred for engrossment	930
Mar. 6	Replaced on Select File	951
Mar. 7	Referred for engrossment	989
Mar. 11	Returned to Select File. Referred for engrossment	1060
Mar. 18	Correctly engrossed	1140
Mar. 21	Final Reading	1238
Mar. 21	Correctly enrolled	1254
Mar. 21	President signed	1255
Mar. 21	Presented to Governor	1263
Mar. 27	Approved by Governor	1354

LEGISLATIVE BILL 295 By Stromer

Jan. 1	Title	66
Feb. 28	Indefinitely postponed	881

LEGISLATIVE BILL 302 By Interim Committee on Appropriations

Jan. 1	Title	66
Jan. 2	Motion. Returned to Committee	134
Jan. 7	Notice of hearing	180
Jan. 10	Amendments printed	218
Feb. 19	Placed on General File	718
Feb. 27	Laid over	860
Mar. 12	Laid over. Amendments printed	1088
Mar. 13	Amendments printed	1131
Mar. 28	Laid over	1397
Mar. 28	Amendments adopted. Amendments withdrawn ..	1404
Mar. 28	Referred for review	1407
Apr. 1	Placed on Select File	1418
Apr. 3	Laid over	1492
Apr. 8	Referred for engrossment	1536

CHRONOLOGY OF BILLS

1745

Apr. 8	Explanation of vote	1542
Apr. 9	Replaced on Select File	1577
Apr. 9	Referred for engrossment	1580
Apr. 9	Correctly engrossed	1582
Apr. 11	Final Reading	1641
Apr. 11	Correctly enrolled. President signed	1644
Apr. 11	Presented to Governor	1653
Apr. 18	Approved by Governor	1693

LEGISLATIVE BILL 303 By Interim Committee on Appropriations

Jan. 1	Title	66
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 306 By Marsh

Jan. 1	Title	66
Jan. 2	Bracketed	109
Jan. 7	Bracketed	171
Jan. 21	Final Reading	335
Jan. 22	Correctly enrolled. President signed	358
Jan. 23	Presented to Governor	373
Jan. 29	Approved by Governor	399

LEGISLATIVE BILL 306A By Marsh

Jan. 1	Title	67
Jan. 2	Bracketed	109
Jan. 7	Replaced on Select File	172
Jan. 7	Referred for re-engrossment	178
Jan. 9	Replaced on Select File	198
Jan. 10	Referred for re-engrossment	220
Jan. 17	Correctly re-engrossed	299
Jan. 21	Final Reading	336
Jan. 22	Correctly enrolled. President signed	358
Jan. 23	Presented to Governor	373
Jan. 29	Approved by Governor	399

LEGISLATIVE BILL 322 By F. Lewis

Jan. 1	Title	67
Feb. 28	Indefinitely postponed	881

LEGISLATIVE BILL 323 By Marvel

Jan. 1	Title	67
Jan. 2	Bracketed	133

Jan. 15	Bracketed. Amendments printed	264
Jan. 30	Referred for review	448
Jan. 31	Explanation of vote	457
Feb. 1	Placed on Select File	472
Feb. 4	Referred for engrossment	495
Feb. 7	Correctly engrossed	544
Feb. 12	Final Reading	600
Feb. 13	Correctly enrolled. President signed	619
Feb. 14	Presented to Governor	635
Feb. 25	Approved by Governor	741

LEGISLATIVE BILL 325 By Interim Committee on Truth in Advertising

Jan. 1	Title	67
Feb. 25	Placed on General File	771
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 326 By Interim Committee on Truth in Advertising

Jan. 1	Title	67
Feb. 5	Notice of hearing	513
Feb. 25	Placed on General File	778
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 327 By Interim Committee on Truth in Advertising

Jan. 1	Title	67
Jan. 4	Bracketed	166
Jan. 23	Bracketed	379
Feb. 13	Change of order	622
Feb. 13	Amendments printed	626
Feb. 14	Referred for review	642
Feb. 19	Placed on Select File	705
Feb. 25	Referred for engrossment	755
Feb. 26	Amendments printed	818
Feb. 28	Correctly engrossed	863
Mar. 6	Motion. Motion lost. Bracketed	944
Mar. 6	Unbracketed. Returned to Select File	945
Mar. 6	Referred for re-engrossment	949
Mar. 8	Replaced on Select File	1008
Mar. 11	Referred for re-engrossment	1045
Mar. 18	Correctly engrossed	1140
Mar. 20	Motion. Motion lost	1211
Mar. 21	Motion. Motion lost. Final Reading	1239
Mar. 21	Correctly enrolled	1254
Mar. 21	President signed	1255

CHRONOLOGY OF BILLS

1747

Mar. 21	Presented to Governor	1263
Mar. 27	Approved by Governor	1354

LEGISLATIVE BILL 329 By DeCamp

Jan. 1	Title	68
Jan. 22	Notice of hearing	368
Feb. 6	Re-referred to Committee on Government, Military and Veterans Affairs	527
Feb. 7	Notice of hearing	532
Mar. 20	Placed on General File	1223
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 334 By Cavanaugh

Jan. 1	Title	68
Jan. 18	Bracketed	325
Jan. 31	Laid over	460
Feb. 1	Bracketed	477
Feb. 8	Amendments printed	569
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 354 By Judiciary Committee

Jan. 1	Title	68
Jan. 9	Notice of hearing	202
Feb. 5	Placed on General File	513
Feb. 7	Amendment printed	531
Feb. 15	Bill reprinted	660
Feb. 27	Bracketed	856
Mar. 5	Amendments printed	940
Mar. 7	Co-introducers added. Laid over	991
Mar. 7	Motion. Motion lost. Referred for review	1001
Mar. 7	Expedited	1003
Mar. 11	Placed on Select File	1052
Mar. 12	Referred for engrossment	1069
Mar. 18	Replaced on Select File	1138
Mar. 18	Referred for engrossment	1149
Mar. 18	Correctly engrossed	1152
Mar. 21	Motion. Motion lost. Final Reading	1240
Mar. 21	Correctly enrolled	1254
Mar. 21	President signed	1255
Mar. 21	Presented to Governor	1263
Mar. 27	Attorney General Opinion	1356
Mar. 28	Approved by Governor	1405

LEGISLATIVE BILL 359 By Warner

Jan.	1	Title	68
Jan.	2	Unbracketed	124
Jan.	2	Bracketed	125
Jan.	14	Unbracketed	245
Jan.	15	Referred for review	264
Jan.	21	Placed on Select File	329
Jan.	22	Referred for engrossment	357
Jan.	24	Replaced on Select File	385
Jan.	29	Referred for engrossment	429
Jan.	30	Correctly engrossed	437
Feb.	4	Final Reading	490
Feb.	5	Correctly enrolled. President signed	502
Feb.	6	Presented to Governor	516
Feb.	12	Approved by Governor	594

LEGISLATIVE BILL 361 By Stahmer

Jan.	1	Title	68
Jan.	2	Bracketed	135
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 362 By Dickinson

Jan.	1	Title	68
Mar.	18	Placed on General File	1140
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 375 By Interim Committee on Appropriations

Jan.	1	Title	69
Jan.	4	Bracketed	166
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 377 By Simpson

Jan.	1	Title	69
Jan.	2	Laid over	131
Jan.	2	Change of order	134
Jan.	4	Bracketed	165
Jan.	9	Unbracketed. Referred for review	200
Jan.	14	Placed on Select File	232
Jan.	15	Referred for engrossment	262
Jan.	17	Correctly engrossed	299
Jan.	21	Final Reading	337

CHRONOLOGY OF BILLS

1749

Jan. 22	Correctly enrolled. President signed	358
Jan. 23	Presented to Governor	373
Jan. 29	Approved by Governor	399

LEGISLATIVE BILL 385 By Marvel

Jan. 1	Title	69
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 388 By F. Lewis

Jan. 1	Title	69
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 389 By Hasebroock

Jan. 1	Title	69
Jan. 2	Unbracketed	124
Jan. 2	Referred for review	125
Jan. 4	Placed on Select File	162
Jan. 7	Referred for engrossment	177
Jan. 9	Correctly engrossed	203
Jan. 15	Final Reading	257
Jan. 17	Correctly enrolled. President signed	300
Jan. 18	Presented to Governor	311
Jan. 22	Approved by Governor	353

LEGISLATIVE BILL 393 By Schmit

Jan. 1	Title	70
Feb. 28	Indefinitely postponed	881

LEGISLATIVE BILL 396 By Whitney

Jan. 1	Title	70
Jan. 2	Unbracketed	124
Jan. 2	Bracketed	125
Jan. 8	Bracketed	190
Jan. 10	Amendments withdrawn. Amendments pending	223
Jan. 14	Laid over	242
Jan. 15	Referred for review	265
Jan. 18	Placed on Select File	311
Jan. 21	Referred for engrossment	346
Jan. 22	Replaced on Select File	354
Jan. 23	Referred for engrossment	377
Jan. 24	Correctly engrossed	385

Jan.	30	Final Reading	439
Jan.	31	Correctly enrolled. President signed	456
Feb.	1	Presented to Governor	470
Feb.	5	Approved by Governor	502

LEGISLATIVE BILL 426 By Anderson

Jan.	1	Title	70
Feb.	28	Indefinitely postponed	881

LEGISLATIVE BILL 427 By Interim Committee on Coordination on Higher Education

Jan.	1	Title	70
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 432 By Interim Committee on Appropriations

Jan.	1	Title	70
Jan.	9	Referred for review	201
Jan.	14	Placed on Select File	233
Jan.	15	Referred for engrossment	262
Jan.	17	Correctly engrossed	299
Jan.	31	Final Reading	458
Feb.	1	Correctly enrolled. President signed	470
Feb.	4	Presented to Governor	485
Feb.	6	Approved by Governor	516

LEGISLATIVE BILL 432A By Whitney

Jan.	21	Read first time. Placed on General File	342
Jan.	22	Change of order. Referred for review	359
Jan.	23	Expedited	380
Jan.	24	Placed on Select File	385
Jan.	24	Referred for engrossment	392
Jan.	29	Correctly engrossed	406
Jan.	31	Final Reading	458
Feb.	1	Correctly enrolled. President signed	470
Feb.	4	Presented to Governor	485
Feb.	6	Approved by Governor	516

LEGISLATIVE BILL 434 By Waldron

Jan.	1	Title	70
Jan.	2	Laid over	132
Jan.	4	Bracketed	165

CHRONOLOGY OF BILLS

1751

Jan.	18	Bracketed	321
Feb.	7	Amendments printed	549
Feb.	8	Indefinitely postponed	570
Feb.	8	Explanation of vote	578

LEGISLATIVE BILL 435 By Nore

Jan.	1	Title	71
Jan.	2	Bracketed	109
Jan.	7	Final Reading	174
Jan.	8	Correctly enrolled	184
Jan.	8	President signed	185
Jan.	8	Explanation of vote	192
Jan.	9	Presented to Governor	203
Jan.	14	Approved by Governor	228

LEGISLATIVE BILL 438 By Waldron

Jan.	1	Title	71
Jan.	2	Referred for review	133
Jan.	4	Placed on Select File	163
Jan.	7	Laid over	177
Jan.	14	Referred for engrossment	242
Jan.	15	Motion. Motion pending	267
Jan.	17	Motion renewed. Motion prevailed. Referred for engrossment	302
Jan.	21	Replaced on Select File	329
Jan.	22	Referred for engrossment	356
Jan.	22	Motion. Returned to Select File. Referred for engrossment	357
Jan.	23	Correctly engrossed	373
Jan.	29	Final Reading	413
Jan.	30	Correctly enrolled. President signed	437
Jan.	31	Presented to Governor	456
Feb.	4	Approved by Governor	485

LEGISLATIVE BILL 439 By Interim Committee on Pesticides

Jan.	1	Title	71
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 451 By Burbach

Jan.	1	Title	71
Mar.	18	Indefinitely postponed	1144

LEGISLATIVE BILL 458 By Burbach

Jan. 1	Title	71
Jan. 2	Unbracketed	124
Jan. 2	Laid over	125
Jan. 4	Bracketed	165
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 466 By Anderson

Jan. 1	Title	71
Feb. 25	Indefinitely postponed	748

LEGISLATIVE BILL 467 By Burbach, Johnson

Jan. 1	Title	72
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 470 By Interim Committee on State Aid

Jan. 1	Title	72
Mar. 11	Placed on General File	1047
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 471 By Interim Committee on State Aid

Jan. 1	Title	72
Jan. 2	Bracketed	134
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 472 By Interim Committee on State Aid

Jan. 1	Request. Objection	79
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LEGISLATIVE BILL 476 By Government, Military and Veterans Affairs Committee

Jan. 1	Title	72
Mar. 27	Indefinitely postponed	1358

LEGISLATIVE BILL 490 By Public Works Committee

Jan. 1	Title	72
Jan. 2	Bracketed	133
Jan. 9	Referred for review	206
Jan. 14	Placed on Select File	233
Jan. 15	Laid over	262

CHRONOLOGY OF BILLS

1753

Jan. 17	Laid over	301
Jan. 18	Bracketed	319
Jan. 21	Attorney General Opinion	343
Jan. 24	Unbracketed. Referred for engrossment	392
Jan. 29	Replaced on Select File	406
Jan. 30	Referred for engrossment	441
Jan. 31	Replaced on Select File	456
Feb. 1	Referred for engrossment	474
Feb. 4	Correctly engrossed	489
Feb. 7	Final Reading	533
Feb. 8	Correctly enrolled. President signed	577
Feb. 11	Presented to Governor	582
Feb. 14	Approved by Governor	634

LEGISLATIVE BILL 495 By Executive Board

Jan. 1	Title	72
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 499 By Judiciary Committee

Jan. 1	Title	73
Jan. 2	Unbracketed	124
Jan. 2	Laid over	125
Jan. 3	Bracketed	146
Feb. 25	Unbracketed	768
Mar. 6	Referred for review	964
Mar. 8	Placed on Select File	1030
Mar. 11	Referred for engrossment	1059
Mar. 13	Replaced on Select File	1115
Mar. 13	Referred for engrossment	1120
Mar. 18	Replaced on Select File	1139
Mar. 19	Referred for engrossment	1176
Mar. 21	Correctly engrossed	1237
Mar. 26	Final Reading	1329
Mar. 26	Correctly enrolled. Speaker signed	1343
Mar. 26	Explanation of vote. Presented to Governor	1350
Apr. 1	Approved by Governor	1426

LEGISLATIVE BILL 499A By Barnett

Mar. 12	Read first time. Placed on General File	1076
Mar. 13	Referred for review	1123
Mar. 13	Placed on Select File	1130
Mar. 13	Referred for engrossment	1131

Mar. 21	Correctly engrossed	1237
Mar. 26	Final Reading	1330
Mar. 26	Correctly enrolled. Speaker signed	1343
Mar. 26	Presented to Governor	1350
Apr. 1	Approved by Governor	1426

LEGISLATIVE BILL 502 By Judiciary Committee

Jan. 1	Title	73
Jan. 2	Laid over	132
Jan. 21	Bracketed	351
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 506 By Miscellaneous Subjects Committee

Jan. 1	Title	73
Jan. 2	Bracketed	109
Jan. 7	Bracketed	171
Jan. 21	Final Reading	337
Jan. 22	Correctly enrolled. President signed	358
Jan. 23	Presented to Governor	373
Jan. 29	Approved by Governor	399

LEGISLATIVE BILL 506A By Carpenter

Jan. 1	Title	73
Jan. 2	Bracketed	109
Jan. 7	Replaced on Select File	172
Jan. 7	Referred for re-engrossment	178
Jan. 9	Replaced on Select File	198
Jan. 10	Referred for re-engrossment	220
Jan. 17	Correctly re-engrossed	299
Jan. 21	Final Reading	338
Jan. 22	Correctly enrolled. President signed	358
Jan. 23	Presented to Governor	373
Jan. 29	Approved by Governor	399

LEGISLATIVE BILL 507 By Miscellaneous Subjects

Jan. 1	Title	74
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 508 By Miscellaneous Subjects

Jan. 1	Title	74
Jan. 4	Referred for review	166
Jan. 8	Placed on Select File	184

CHRONOLOGY OF BILLS

1755

Jan.	9	Referred for engrossment	197
Jan.	14	Correctly engrossed	233
Jan.	18	Bracketed	314
Jan.	24	Bracketed	387
Jan.	29	Final Reading	413
Jan.	30	Correctly enrolled. President signed	437
Jan.	31	Presented to Governor	456
Feb.	7	Approved by Governor	542

LEGISLATIVE BILL 513 By Public Health and Welfare Committee

Jan.	1	Title	74
Jan.	4	Referred for review	166
Jan.	8	Placed on Select File	184
Jan.	9	Referred for engrossment	197
Jan.	10	Motion. Motion pending. Bracketed	220
Jan.	15	Motion renewed. Laid over	262
Jan.	17	Unbracketed. Motion renewed. Returned to Select File. Referred for engrossment	301
Jan.	23	Correctly engrossed	373
Jan.	24	Bracketed	392
Jan.	29	Bracketed	414
Feb.	4	Bracketed	492
Feb.	11	Laid over	582
Feb.	12	Motion. Motion pending. Bracketed	601
Feb.	14	Motion renewed. Returned to Select File	637
Feb.	14	Referred for re-engrossment	639
Feb.	15	Replaced on Select File	658
Feb.	18	Referred for re-engrossment	694
Feb.	19	Correctly re-engrossed	728
Feb.	27	Final Reading	833
Feb.	28	Correctly enrolled. President signed	864
Feb.	28	Presented to Governor	876
Mar.	4	Approved by Governor	903

LEGISLATIVE BILL 520 By Judiciary Committee

Jan.	1	Title	74
Jan.	3	Bracketed	147
Jan.	9	Bracketed	199
Mar.	20	Motion. Motion pending. Laid over	1217
Mar.	21	Withdrawn	1267

LEGISLATIVE BILL 551 By Government, Military and Veterans Affairs Committee

Jan. 1	Title	74
Mar. 27	Placed on General File	1376
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 565 By Constitutional Revision and Recreation Committee

Jan. 1	Title	75
Jan. 9	Referred for review	204
Jan. 14	Placed on Select File	233
Jan. 15	Referred for engrossment	262
Jan. 17	Correctly engrossed	299
Jan. 21	Final Reading	339
Jan. 22	Correctly enrolled. President signed	358
Jan. 23	Presented to Governor	373
Jan. 29	Approved by Governor	399

LEGISLATIVE BILL 566 By Judiciary Committee, at request of Governor

Jan. 1	Title	75
Mar. 18	Indefinitely postponed	1144

LEGISLATIVE BILL 567 By Judiciary Committee, at request of Governor

Jan. 1	Title	75
Jan. 2	Referred for review	136
Jan. 4	Placed on Select File	163
Jan. 7	Referred for engrossment	177
Jan. 9	Correctly engrossed	203
Jan. 15	Final Reading	259
Jan. 17	Correctly enrolled. President signed	300
Jan. 18	Presented to Governor	311
Jan. 22	Approved by Governor	353

LEGISLATIVE BILL 568 By Judiciary Committee, at request of Governor

Jan. 1	Title	75
Jan. 4	Indefinitely postponed	166
Jan. 14	Attorney General Opinion	228
Jan. 17	Motion. Motion lost by Ruling of Chair	302

CHRONOLOGY OF BILLS

1757

Jan. 18	Bracketed	321
Jan. 22	Motion. Motion pending	359
Jan. 22	Motion renewed. Indefinitely postponed	366

LEGISLATIVE BILL 569 By Judiciary Committee, at request of Governor

Jan. 1	Title	76
Jan. 2	Referred for review	136
Jan. 4	Placed on Select File	163
Jan. 7	Referred for engrossment	177
Jan. 14	Correctly engrossed	233
Jan. 18	Final Reading	314
Jan. 21	Correctly enrolled. Speaker signed	330
Jan. 22	Presented to Governor	357
Jan. 24	Approved by Governor	383

LEGISLATIVE BILL 570 By Whitney, at request of Governor

Jan. 1	Title	76
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 574 By Fellman, at request of Governor

Jan. 1	Title	76
Mar. 18	Placed on General File	1144
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 578 By Kennedy, at request of Governor

Jan. 1	Title	76
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 584 By Government, Military and Veterans Affairs Committee

Jan. 1	Title	76
Jan. 2	Bracketed	136
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 590 By Executive Board

Jan. 2	Read first time	112
Jan. 4	Placed on General File	150
Jan. 8	Referred for review	189
Jan. 10	Placed on Select File	218

Jan. 14	Referred for engrossment	238
Jan. 15	Returned on Select File	262
Jan. 15	Referred for engrossment	263
Jan. 17	Correctly engrossed	299
Jan. 21	Final Reading	339
Jan. 22	Correctly enrolled. President signed	358
Jan. 23	Presented to Governor	373
Jan. 29	Approved by Governor	399

LEGISLATIVE BILL 591 By Executive Board

Jan. 2	Read first time	112
Jan. 4	Placed on General File	150
Jan. 8	Referred for Review	189
Jan. 10	Placed on Select File	218
Jan. 14	Referred for engrossment	238
Jan. 17	Replaced on Select File	299
Jan. 18	Referred for engrossment	319
Jan. 21	Correctly engrossed	330
Jan. 23	Final Reading	375
Jan. 24	Correctly enrolled. President signed	385
Jan. 29	Presented to Governor	406
Jan. 30	Approved by Governor	448

LEGISLATIVE BILL 592 By Executive Board

Jan. 2	Read first time	112
Jan. 4	Placed on General File	150
Jan. 8	Laid over	189
Jan. 9	Bracketed	202
Jan. 14	Amendments printed	238
Jan. 18	Amendments withdrawn. Amendments adopted ..	322
Jan. 18	Referred for review	323
Jan. 23	Placed on Select File	371
Jan. 24	Laid over. Amendments printed	391
Jan. 29	Referred for engrossment	429
Feb. 1	Replaced on Select File	471
Feb. 4	Referred for engrossment	494
Feb. 8	Correctly engrossed	577
Feb. 12	Attorney General Opinion	598
Feb. 13	Motion. Motion lost	619
Feb. 13	Final Reading	620
Feb. 14	Correctly enrolled. President signed	635
Feb. 15	Presented to Governor	664
Feb. 25	Approved by Governor	741

LEGISLATIVE BILL 593 By Executive Board

Jan.	2	Read first time	112
Jan.	4	Placed on General File	150
Jan.	8	Referred for review	189
Jan.	14	Placed on Select File	232
Jan.	15	Referred for engrossment	262
Jan.	17	Replaced on Select File	299
Jan.	18	Referred for engrossment	319
Jan.	21	Correctly engrossed	330
Jan.	23	Final Reading	376
Jan.	24	Correctly enrolled. President signed	385
Jan.	29	Presented to Governor	406
Jan.	30	Approved by Governor	448

LEGISLATIVE BILL 594 By Executive Board

Jan.	2	Read first time	113
Jan.	4	Placed on General File	150
Jan.	8	Referred for review	190
Jan.	10	Placed on Select File	218
Jan.	14	Referred for engrossment	238
Jan.	17	Correctly engrossed	299
Jan.	21	Final Reading	340
Jan.	22	Correctly enrolled. President signed	358
Jan.	23	Presented to Governor	373
Jan.	29	Approved by Governor	399

LEGISLATIVE BILL 595 By Executive Board

Jan.	2	Read first time	113
Jan.	4	Placed on General File	150
Jan.	8	Referred for review	190
Jan.	10	Placed on Select File	218
Jan.	14	Referred for engrossment	238
Jan.	17	Replaced on Select File	299
Jan.	18	Referred for engrossment	319
Jan.	21	Correctly engrossed	330
Jan.	22	Returned to Select File. Referred for re-engrossment	357
Jan.	23	Correctly re-engrossed	373
Jan.	29	Final Reading	414
Jan.	30	Correctly enrolled. President signed	437
Jan.	31	Presented to Governor	456
Feb.	4	Approved by Governor	485

LEGISLATIVE BILL 596 By Executive Board

Jan. 2	Read first time	113
Jan. 4	Placed on General File	150
Jan. 8	Referred for review	190
Jan. 10	Placed on Select File	218
Jan. 14	Referred for engrossment	238
Jan. 17	Correctly engrossed	299
Jan. 21	Final Reading	341
Jan. 22	Correctly enrolled. President signed	358
Jan. 23	Presented to Governor	373
Jan. 29	Approved by Governor	399

LEGISLATIVE BILL 597 By F. Lewis

Jan. 2	Read first time	113
Jan. 4	Referred to Committee on Revenue	150
Jan. 9	Notice of hearing	203
Feb. 14	Placed on General File	636
Feb. 15	Bracketed	672
Feb. 18	Laid over	694
Feb. 27	Change of order. Indefinitely postponed	849
Mar. 4	Motion. Motion pending. Laid over	908

LEGISLATIVE BILL 598 By Marsh

Jan. 2	Read first time	113
Jan. 4	Referred to Committee on Constitutional Revision and Recreation	150
Jan. 7	Notice of hearing	179
Jan. 29	Placed on General File	404
Jan. 31	Referred for review	462
Feb. 4	Placed on Select File	489
Feb. 5	Referred for engrossment	506
Feb. 7	Correctly engrossed	544
Feb. 12	Final Reading	602
Feb. 13	Correctly enrolled. President signed	619
Feb. 14	Presented to Governor	635
Feb. 25	Approved by Governor	741

LEGISLATIVE BILL 599 By Executive Board

Jan. 2	Read first time	114
Jan. 4	Referred to Committee on Agriculture and Environment	150
Jan. 9	Notice of hearing	203

CHRONOLOGY OF BILLS

1761

Jan.	21	Placed on General File	331
Jan.	22	Referred for review	366
Jan.	24	Placed on Select File	385
Jan.	29	Referred for engrossment	429
Jan.	30	Correctly engrossed	437
Feb.	4	Final Reading	491
Feb.	5	Correctly enrolled. President signed	502
Feb.	6	Presented to Governor	516
Feb.	12	Approved by Governor	594

LEGISLATIVE BILL 600 By Marsh

Jan.	2	Read first time	114
Jan.	4	Referred to Committee on Public Health and Welfare	150
Jan.	7	Notice of hearing	180
Jan.	29	Placed on General File	405
Feb.	6	Referred for review	524
Feb.	8	Placed on Select File	553
Feb.	11	Laid over	587
Feb.	12	Referred for engrossment	612
Feb.	14	Correctly engrossed	635
Feb.	19	Final Reading	715
Feb.	25	Correctly enrolled	766
Feb.	28	President signed	864
Feb.	28	Presented to Governor	876
Mar.	4	Approved by Governor	903

LEGISLATIVE BILL 601 By Marsh

Jan.	2	Read first time	114
Jan.	4	Referred to Committee on Public Health and Welfare	150
Jan.	7	Notice of hearing	180
Jan.	30	Indefinitely postponed	452

LEGISLATIVE BILL 602 By Marsh

Jan.	2	Read first time	114
Jan.	4	Referred to Committee on Miscellaneous Subjects	150
Jan.	4	Notice of hearing	169
Feb.	25	Placed on General File	780
Feb.	28	Referred for review	890
Mar.	6	Placed on Select File	953
Mar.	7	Bracketed	990

Mar. 11	Motion. Amendments pending.	
	Laid over	1041
Mar. 11	Referred for engrossment	1060
Mar. 13	Replaced on Select File	1127
Mar. 13	Referred for engrossment	1130
Mar. 18	Replaced on Select File	1157
Mar. 19	Referred for engrossment	1177
Mar. 21	Correctly engrossed	1254
Mar. 26	Final Reading	1331
Mar. 26	Correctly enrolled. Speaker signed	1343
Mar. 26	Presented to Governor	1350
Mar. 27	Approved by Acting Governor	1357

LEGISLATIVE BILL 603 By Duis

Jan. 2	Read first time	114
Jan. 4	Referred to Committee on Miscellaneous Subjects	150
Jan. 9	Notice of hearing	203
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 604 By Administrative Rules and Regulations Committee

Jan. 2	Read first time	114
Jan. 4	Referred to Committee on Government, Military and Veterans Affairs	150
Jan. 17	Notice of hearing	307
Feb. 4	Placed on General File	499
Feb. 15	Referred for review	674
Feb. 18	Placed on Select File	730
Feb. 18	Referred for engrossment	734
Feb. 25	Correctly engrossed	747
Feb. 27	Final Reading	833
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 605 By Duis

Jan. 2	Read first time	115
Jan. 4	Referred to Committee on Public Works	150
Jan. 15	Notice of hearing	295
Feb. 14	Indefinitely postponed	651
Feb. 15	Placed on General File	665
Feb. 18	Change of order	692

CHRONOLOGY OF BILLS

1763

Feb. 25	Bracketed	770
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 606 By Stahmer

Jan. 2	Read first time	115
Jan. 4	Referred to Committee on Revenue	150
Jan. 9	Notice of hearing	203
Feb. 19	Placed on General File	728
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 607 By Richendifer

Jan. 2	Read first time	115
Jan. 4	Referred to Committee on Education	150
Jan. 7	Notice of hearing	179
Jan. 24	Indefinitely postponed	396

LEGISLATIVE BILL 608 By C. Carsten

Jan. 2	Read first time	115
Jan. 4	Referred to Committee on Labor	150
Jan. 7	Notice of hearing	179
Jan. 29	Placed on General File	405
Jan. 30	Amendment printed	449
Feb. 6	Referred for review	523
Feb. 8	Placed on Select File	552
Feb. 11	Referred for engrossment	586
Feb. 12	Correctly engrossed	610
Feb. 15	Final Reading	660
Feb. 18	Correctly enrolled	681
Feb. 18	President signed	682
Feb. 19	Presented to Governor	712
Feb. 25	Approved by Governor	741

LEGISLATIVE BILL 609 By Clark

Jan. 2	Read first time	115
Jan. 4	Referred to Committee on Urban Affairs	150
Jan. 15	Notice of hearing	284
Jan. 24	Placed on General File	396
Jan. 31	Referred for review	462
Feb. 4	Placed on Select File	489
Feb. 5	Referred for engrossment	505
Feb. 7	Correctly engrossed	544
Feb. 12	Final Reading	604

Feb. 13	Correctly enrolled. President signed	619
Feb. 14	Presented to Governor	635
Feb. 25	Approved by Governor	741

LEGISLATIVE BILL 610 By Clark

Jan. 2	Read first time	115
Jan. 4	Referred to Committee on Banking, Commerce and Insurance	150
Jan. 7	Notice of hearing	179
Jan. 15	Placed on General File	271
Jan. 18	Referred for review	325
Jan. 22	Placed on Select File	355
Jan. 23	Referred for engrossment	377
Jan. 24	Correctly engrossed	385
Jan. 30	Final Reading	439
Jan. 31	Correctly enrolled. President signed	456
Feb. 1	Presented to Governor	470
Feb. 5	Approved by Governor	502

LEGISLATIVE BILL 611 By Clark

Jan. 2	Read first time	115
Jan. 4	Referred to Committee on Public Works	150
Jan. 8	Notice of hearing	192
Jan. 29	Placed on General File	404
Jan. 31	Referred for review	463
Feb. 4	Placed on Select File	489
Feb. 5	Referred for engrossment	506
Feb. 7	Correctly engrossed	544
Feb. 12	Final Reading	605
Feb. 13	Correctly enrolled. President signed	619
Feb. 14	Presented to Governor	635
Feb. 25	Approved by Governor	741

LEGISLATIVE BILL 612 By Clark

Jan. 2	Read first time	116
Jan. 4	Referred to Committee on Banking, Commerce and Insurance	150
Jan. 15	Notice of hearing	263
Jan. 29	Placed on General File	418
Feb. 15	Referred for review	666
Feb. 19	Placed on Select File	710
Feb. 19	Referred for engrossment	732
Feb. 25	Correctly engrossed	747

CHRONOLOGY OF BILLS

1765

Feb. 27	Final Reading	834
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 613 By Carpenter

Jan. 2	Read first time	116
Jan. 4	Referred to Committee on Miscellaneous Subjects	150
Jan. 4	Notice of hearing	169
Jan. 15	Placed on General File	286
Jan. 17	Co-introducer added	308
Jan. 22	Bracketed	366
Jan. 31	Bracketed	460
Feb. 6	Referred for review	522
Feb. 6	Amendment printed	523
Feb. 8	Placed on Select File	552
Feb. 11	Laid over	586
Feb. 12	Referred for engrossment	611
Feb. 14	Replaced on Select File	634
Feb. 15	Referred for engrossment. Co-introducer added	664
Feb. 18	Replaced on Select File	695
Feb. 19	Referred for engrossment	717
Feb. 19	Replaced on Select File	729
Feb. 19	Referred for engrossment	733
Feb. 25	Correctly engrossed	747
Feb. 27	Final Reading	835
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 6	Approved by Governor	944
Mar. 7	Attorney General Opinion	986

LEGISLATIVE BILL 614 By Carpenter

Jan. 2	Read first time	116
Jan. 4	Referred to Committee on Government, Military and Veterans Affairs	150
Jan. 17	Notice of hearing	307
Feb. 4	Placed on General File	499
Feb. 25	Referred for review	796
Feb. 28	Placed on Select File	863
Feb. 28	Referred for engrossment	886
Mar. 4	Replaced on Select File	897
Mar. 5	Referred for engrossment	925

Mar. 6	Correctly engrossed	951
Mar. 11	Motion. Returned to Select File	1032
Mar. 11	Laid over	1059
Mar. 12	Referred for re-engrossment. Motion. Returned to Select File. Referred for re-engrossment	1068
Mar. 13	Replaced on Select File	1116
Mar. 13	Referred for re-engrossment	1120
Mar. 18	Correctly re-engrossed	1140
Mar. 21	Final Reading	1241
Mar. 21	Correctly enrolled	1254
Mar. 21	President signed	1255
Mar. 21	Presented to Governor	1263
Mar. 25	Approved by Governor	1316

LEGISLATIVE BILL 615 By Carpenter

Jan. 2	Read first time	116
Jan. 4	Referred to Committee on Education	150
Jan. 7	Notice of hearing	179
Jan. 9	Notice of hearing cancelled	213
Jan. 18	Notice of hearing reset	325
Feb. 25	Indefinitely postponed	751
Feb. 28	Motion. Motion pending	879

LEGISLATIVE BILL 616 By Carpenter

Jan. 2	Read first time	116
Jan. 4	Referred to Committee on Miscellaneous Subjects	150
Jan. 4	Notice of hearing	169
Jan. 29	Placed on General File	421
Feb. 14	Bracketed	636
Feb. 25	Referred for review	770
Feb. 27	Placed on Select File	830
Feb. 27	Amendments printed	850
Feb. 28	Correlate amendments	872
Mar. 6	Unbracketed. Motion. Motion lost. Referred for engrossment	949
Mar. 8	Replaced on Select File	1009
Mar. 11	Motion. Motion lost. Referred for engrossment	1045
Mar. 12	Motion. Motion lost	1074
Mar. 12	Motion. Motion lost	1077
Mar. 18	Attorney General Opinion	1135
Mar. 19	Correctly engrossed	1177

CHRONOLOGY OF BILLS

1767

Mar.	22	Final Reading	1273
Mar.	22	Correctly enrolled. President signed	1284
Mar.	22	Presented to Governor	1286
Mar.	25	Explanation of vote	1301
Mar.	28	Returned by Governor without approval	1389

LEGISLATIVE BILL 617 By Carpenter

Jan.	2	Read first time	116
Jan.	4	Referred to Committee on Judiciary	150
Jan.	9	Notice of hearing	202
Jan.	17	Notice of hearing reset	302
Feb.	14	Indefinitely postponed	653

LEGISLATIVE BILL 618 By Carpenter

Jan.	2	Read first time	117
Jan.	4	Referred to Committee on Revenue	150
Jan.	9	Notice of hearing	203
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 619 By Carpenter

Jan.	2	Read first time	117
Jan.	4	Referred to Committee on Constitutional Revision and Recreation	150
Jan.	21	Notice of hearing	350
Feb.	18	Indefinitely postponed	697
Feb.	19	Motion. Motion lost	718

LEGISLATIVE BILL 620 By Barnett

Jan.	2	Read first time	117
Jan.	4	Referred to Committee on Judiciary	150
Jan.	9	Notice of hearing	202
Feb.	18	Placed on General File	686
Feb.	27	Laid over	856
Apr.	3	Referred for review	1471
Apr.	8	Placed on Select File	1504
Apr.	8	Referred for engrossment	1518
Apr.	8	Correctly engrossed	1541
Apr.	10	Final Reading	1627
Apr.	10	Correctly enrolled. President signed	1633
Apr.	11	Presented to Governor	1635
Apr.	11	Explanation of vote	1653
Apr.	18	Approved by Governor	1692

LEGISLATIVE BILL 621 By Barnett

Jan.	2	Read first time	117
Jan.	4	Referred to Committee on Government, Military and Veterans Affairs	150
Jan.	9	Notice of hearing	213
Jan.	30	Placed on General File	437
Feb.	15	Referred for review	667
Feb.	19	Placed on Select File	729
Feb.	19	Referred for engrossment	733
Feb.	25	Correctly engrossed	747
Feb.	27	Final Reading	835
Feb.	28	Correctly enrolled. President signed	864
Feb.	28	Presented to Governor	876
Mar.	4	Approved by Governor	903

LEGISLATIVE BILL 622 By Barnett

Jan.	2	Read first time	117
Jan.	4	Referred to Committee on Government, Military and Veterans Affairs	150
Jan.	9	Notice of hearing	213
Jan.	30	Placed on General File	437
Mar.	8	Referred for review	1021
Mar.	13	Placed on Select File	1116
Mar.	13	Referred for engrossment	1120
Mar.	19	Correctly engrossed	1177
Mar.	22	Final Reading	1274
Mar.	22	Correctly enrolled. President signed	1284
Mar.	22	Presented to Governor	1286
Mar.	25	Explanation of vote	1301
Mar.	26	Approved by Governor	1341

LEGISLATIVE BILL 623 By F. Lewis

Jan.	2	Read first time	118
Jan.	4	Referred to Committee on Government, Military and Veterans Affairs	150
Jan.	17	Notice of hearing	307
Mar.	19	Placed on General File	1198
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 624 By F. Lewis

Jan.	2	Read first time	118
Jan.	4	Referred to Committee on Government, Military and Veterans Affairs	150

CHRONOLOGY OF BILLS

1769

Jan. 17	Notice of hearing	307
Mar. 19	Placed on General File	1198
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 625 By Kime

Jan. 2	Read first time	118
Jan. 4	Referred to Committee on Government, Military and Veterans Affairs	150
Jan. 9	Notice of hearing	213
Feb. 5	Notice of hearing continued	507
Feb. 26	Placed on General File	822
Feb. 28	Referred for review	891
Mar. 7	Placed on Select File	973
Mar. 8	Referred for engrossment	1011
Mar. 8	Replaced on Select File	1026
Mar. 11	Referred for engrossment	1046
Mar. 13	Correctly engrossed	1112
Mar. 20	Final Reading	1204
Mar. 21	Correctly enrolled. President signed	1237
Mar. 21	Presented to Governor	1263
Mar. 25	Approved by Governor	1316

LEGISLATIVE BILL 626 By Barnett

Jan. 2	Read first time	119
Jan. 4	Referred to Committee on Banking, Commerce and Insurance	150
Jan. 7	Notice of hearing	179
Jan. 8	Notice of hearing reset	185
Jan. 24	Placed on General File	389
Jan. 31	Referred for review	460
Feb. 4	Placed on Select File	485
Feb. 5	Referred for engrossment	505
Feb. 7	Correctly engrossed	544
Feb. 12	Final Reading	605
Feb. 13	Correctly enrolled. President signed	619
Feb. 14	Presented to Governor	635
Feb. 25	Approved by Governor	741

LEGISLATIVE BILL 627 By Stahmer

Jan. 2	Read first time	119
Jan. 4	Referred to Committee on Constitutional Revision and Recreation	150
Jan. 21	Notice of hearing	350
Feb. 8	Indefinitely postponed	565

LEGISLATIVE BILL 628 By Keyes

Jan.	2	Read first time	120
Jan.	4	Referred to Committee on Judiciary	150
Jan.	9	Notice of hearing	202
Mar.	18	Indefinitely postponed	1144

LEGISLATIVE BILL 629 By Keyes

Jan.	2	Read first time	120
Jan.	4	Referred to Committee on Urban Affairs	150
Jan.	15	Notice of hearing	284
Jan.	24	Attorney General Opinion	384
Feb.	18	Placed on General File	678
Feb.	27	Referred for review	855
Mar.	5	Placed on Select File	922
Mar.	6	Laid over	947
Mar.	6	Referred for engrossment	949
Mar.	6	Returned to Select File. Referred for engrossment	950
Mar.	8	Bracketed	1014
Mar.	8	Unbracketed. Returned to Select File. Referred for engrossment	1020
Mar.	12	Returned to Select File	1067
Mar.	12	Referred for engrossment	1068
Mar.	18	Correctly engrossed	1140
Mar.	21	Final Reading	1242
Mar.	21	Correctly enrolled	1254
Mar.	21	President signed	1255
Mar.	21	Presented to Governor	1263
Mar.	25	Approved by Governor	1316

LEGISLATIVE BILL 630 By Keyes

Jan.	2	Read first time	120
Jan.	4	Referred to Committee on Government, Military and Veterans Affairs	150
Jan.	17	Notice of hearing	307
Feb.	8	Placed on General File	571
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 631 By Maresh

Jan.	2	Read first time	120
Jan.	4	Referred to Committee on Urban Affairs	150
Jan.	29	Notice of hearing	416

CHRONOLOGY OF BILLS

1771

Feb. 18	Placed on General File	680
Feb. 27	Laid over	856
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 632 By Maresh

Jan. 2	Read first time	120
Jan. 4	Referred to Committee on Revenue	150
Jan. 9	Notice of hearing	203
Jan. 29	Placed on General File	407
Feb. 6	Bracketed	524
Feb. 6	Unbracketed. Return to Committee	529
Feb. 7	Notice of hearing	538
Mar. 4	Placed on General File	902
Apr. 3	Referred for review	1476
Apr. 8	Placed on Select File	1509
Apr. 8	Laid over	1519
Apr. 8	Amendments renewed. Amendments lost	1542
Apr. 8	Amendment pending	1545
Apr. 9	Amendment withdrawn. Referred for engrossment	1553
Apr. 9	Motion. Motion lost	1566
Apr. 9	Correctly engrossed	1570
Apr. 11	Final Reading	1661
Apr. 11	Correctly enrolled	1666
Apr. 11	President signed	1667
Apr. 11	Presented to Governor	1673
Apr. 18	Approved by Governor	1693

LEGISLATIVE BILL 633 By Stull

Jan. 2	Read first time	120
Jan. 4	Referred to Committee on Appropriations	150
Jan. 29	Notice of hearing	431
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 634 By Stull

Jan. 2	Read first time	121
Jan. 4	Referred to Committee on Education	150
Jan. 7	Notice of hearing	179
Jan. 24	Indefinitely postponed	396

LEGISLATIVE BILL 635 By R. Lewis

Jan. 2	Read first time	121
Jan. 4	Referred to Committee on Judiciary	150

Jan.	9	Notice of hearing	202
Feb.	1	Indefinitely postponed	482

LEGISLATIVE BILL 636 By Warner

Jan.	2	Read first time	121
Jan.	4	Referred to Committee on Labor	150
Jan.	7	Notice of hearing	179
Jan.	30	Placed on General File	452
Feb.	15	Referred for review	667
Feb.	19	Placed on Select File	711
Feb.	19	Referred for engrossment	733
Feb.	25	Correctly engrossed	747
Feb.	27	Final Reading	836
Feb.	28	Correctly enrolled. President signed	864
Feb.	28	Presented to Governor	876
Mar.	4	Approved by Governor	903

LEGISLATIVE BILL 637 By Warner

Jan.	2	Read first time	121
Jan.	4	Referred to Committee on Public Health and Welfare	150
Jan.	7	Notice of hearing	179
Jan.	30	Indefinitely postponed	452

LEGISLATIVE BILL 638 By Warner

Jan.	2	Read first time	121
Jan.	4	Referred to Committee on Miscellaneous Subjects	150
Jan.	9	Notice of hearing	203
Feb.	25	Placed on General File	782
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 639 By Hasebroock

Jan.	2	Read first time	121
Jan.	4	Referred to Committee on Labor	150
Jan.	7	Notice of hearing	179
Jan.	29	Placed on General File	405
Feb.	6	Referred for review	523
Feb.	8	Placed on Select File	552
Feb.	11	Referred for engrossment	587
Feb.	12	Correctly engrossed	610

CHRONOLOGY OF BILLS

1773

Feb. 15	Final Reading	661
Feb. 18	Correctly enrolled	681
Feb. 18	President signed	682
Feb. 19	Presented to Governor	712
Feb. 25	Approved by Governor	741

LEGISLATIVE BILL 640 By Hasebroock

Jan. 2	Read first time	122
Jan. 4	Referred to Committee on Agriculture and Environment	150
Jan. 18	Notice of hearing	316
Jan. 29	Placed on General File	409
Feb. 8	Admendments adopted. Laid over	570
Feb. 11	Referred for review	592
Feb. 13	Placed on Select File	619
Feb. 14	Referred for engrossment	639
Feb. 15	Correctly engrossed	664
Feb 25	Final Reading	754
Feb. 26	Correctly enrolled	812
Feb. 28	President signed	864
Feb. 28	Presented to Governor	876
Mar. 5	Approved by Governor	921

LEGISLATIVE BILL 641 By Moylan

Jan. 2	Read first time	122
Jan. 4	Referred to Committee on Agriculture and Environment	150
Jan. 18	Notice of hearing	316
Jan. 29	Placed on General File	409
Feb. 15	Referred for review	665
Feb. 19	Placed on Select File	709
Feb. 19	Referred for engrossment	731
Feb. 25	Correctly engrossed	747
Feb. 27	Returned to Select File	837
Feb. 27	Referred for re-engrossment	855
Feb. 28	Replaced on Select File	883
Feb. 28	Referred for re-engrossment	886
Mar. 4	Replaced on Select File	898
Mar. 5	Referred for re-engrossment	925
Mar. 6	Correctly re-engrossed	951
Mar. 11	Final Reading	1033
Mar. 12	Correctly enrolled. President signed	1075
Mar. 13	Presented to Governor	1112
Mar. 18	Approved by Governor	1135

LEGISLATIVE BILL 642 By Moylan

Jan.	2	Read first time	122
Jan.	4	Referred to Committee on Labor	150
Jan.	21	Notice of hearing	331
Feb.	25	Indefinitely postponed	749
Feb.	26	Motion. Placed on General File	817
Feb.	26	Explanation of vote	818
Apr.	3	Indefinitely postponed	1472
Apr.	3	Explanation of vote	1473

LEGISLATIVE BILL 643 By Simpson

Jan.	2	Read first time	122
Jan.	4	Referred to Committee on Public Works	150
Jan.	8	Notice of hearing	192
Feb.	6	Placed on General File	521
Feb.	26	Amendments printed	811
Mar.	8	Bracketed	1021
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 644 By Simpson

Jan.	2	Read first time	122
Jan.	4	Referred to Committee on Constitutional Revision and Recreation	150
Jan.	21	Notice of hearing	350
Feb.	18	Placed on General File	697
Mar.	8	Referred for review	1022
Mar.	13	Placed on Select File	1117
Mar.	13	Referred for engrossment	1121
Mar.	19	Correctly engrossed	1177
Mar.	22	Final Reading	1274
Mar.	22	Correctly enrolled. President signed	1284
Mar.	22	Presented to Governor	1286
Mar.	25	Explanation of vote	1301
Mar.	26	Approved by Governor	1341

LEGISLATIVE BILL 645 By Richendifer

Jan.	2	Read first time	122
Jan.	4	Referred to Committee on Miscellaneous Subjects	150
Jan.	4	Notice of hearing	169
Jan.	29	Placed on General File	429
Feb.	15	Referred for review	667

CHRONOLOGY OF BILLS

1775

Feb. 19	Placed on Select File	711
Feb. 19	Referred for engrossment	732
Feb. 25	Correctly engrossed	747
Feb. 27	Final Reading	838
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 646 By Kime

Jan. 2	Read first time	123
Jan. 4	Referred to Committee on Government, Military and Veterans Affairs	150
Jan. 17	Notice of hearing	307
Feb. 8	Placed on General File	575
Feb. 14	Bracketed	636
Feb. 14	Amendments printed	638
Feb. 25	Referred for review	769
Feb. 25	Placed on Select File	792
Feb. 25	Referred for engrossment	793
Feb. 26	Correctly engrossed	822
Feb. 28	Laid over	865
Feb. 28	Motion. Returned to Select File	871
Feb. 28	Referred for re-engrossment. Motion. Returned to Select File. Motion. Motion lost. Referred for re-engrossment	873
Mar. 4	Attorney General Opinion	896
Mar. 4	Replaced on Select File	903
Mar. 4	Referred for re-engrossment. Motion. Returned to Select File. Referred for re-engrossment.	
Mar. 4	Replaced on Select File. Referred for re-engrossment	915
Mar. 5	Correctly re-engrossed	921
Mar. 6	Unbracketed	944
Mar. 7	Final Reading	975
Mar. 8	Correctly enrolled	1010
Mar. 8	President signed	1020
Mar. 8	Presented to Governor	1025
Mar. 12	Approved by Governor	1087

LEGISLATIVE BILL 647 By Kime

Jan. 2	Read first time	123
Jan. 4	Referred to Committee on Judiciary	150

Jan.	9	Notice of hearing	202
Feb.	1	Placed on General File	480
Feb.	15	Laid over	672
Feb.	25	Referred for review	787
Feb.	27	Placed on Select File	851
Feb.	28	Laid over	872
Feb.	28	Referred for engrossment	886
Mar.	5	Replaced on Select File	922
Mar.	6	Referred for engrossment	946
Mar.	8	Correctly engrossed	1018
Mar.	13	Final Reading	1098
Mar.	18	Correctly enrolled. President signed	1140
Mar.	19	Presented to Governor	1177
Mar.	21	Returned by Governor without approval	1238
Mar.	27	Motion. Passed over Governor's veto	1366
Mar.	27	Delivered to Secretary of State	1369
Mar.	27	Letter	1373

LEGISLATIVE BILL 648 By Marsh

Jan.	2	Read first time	124
Jan.	4	Referred to Committee on Constitutional Revision and Recreation	150
Jan.	21	Notice of hearing	350
Feb.	27	Indefinitely postponed	860

LEGISLATIVE BILL 649 By Stromer

Jan.	2	Read first time	124
Jan.	4	Referred to Committee on Constitutional Revision and Recreation	150
Jan.	8	Notice of hearing	192
Jan.	29	Placed on General File	419
Mar.	6	Amendments printed	971
Mar.	13	Amendments pending	1123
Mar.	13	Failed to advance for review	1125
Mar.	18	Attorney General Opinion	1137
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 650 By Stahmer

Jan.	2	Read first time	126
Jan.	4	Referred to Committee on Miscellaneous Subjects	150
Jan.	24	Notice of hearing	386
Feb.	4	Notice of hearing reset	497
Apr.	11	Indefinitely postponed	1684

CHRONOLOGY OF BILLS

1777

LEGISLATIVE BILL 651 By DeCamp

Jan.	2	Read first time	127
Jan.	4	Referred to Committee on Miscellaneous Subjects	150
Jan.	15	Notice of hearing	284
Jan.	24	Indefinitely postponed	396
Jan.	30	Motion. Motion pending. Laid over	443
Jan.	31	Motion renewed. Motion prevailed	459
Jan.	31	Bracketed	460
Mar.	19	Motion. Motion lost	1200
Mar.	27	Unbracketed	1364
Apr.	3	Motion. Motion lost. Referred for review	1490
Apr.	8	Placed on Select File	1515
Apr.	9	Referred for engrossment	1558
Apr.	9	Replaced on Select File. Referred for engrossment	1571
Apr.	9	Correctly engrossed	1574
Apr.	11	Final Reading	1661
Apr.	11	Correctly enrolled	1666
Apr.	11	President signed	1667
Apr.	11	Presented to Governor	1673
Apr.	18	Approved by Governor	1690

LEGISLATIVE BILL 652 By Moylan

Jan.	2	Read first time	127
Jan.	4	Referred to Committee on Urban Affairs	150
Jan.	15	Notice of hearing	284
Jan.	24	Placed on General File	396
Jan.	31	Referred for review	462
Feb.	4	Placed on Select File	489
Feb.	5	Referred for engrossment	506
Feb.	7	Replaced on Select File	531
Feb.	8	Referred for engrossment	566
Feb.	11	Correctly engrossed	582
Feb.	14	Laid over	636
Feb.	14	Motion. Returned to Select File. Referred for re-engrossment	640
Feb.	15	Replaced on Select File	658
Feb.	18	Laid over	694
Feb.	19	Referred for re-engrossment	717
Feb.	25	Correctly re-engrossed	746
Feb.	27	Final Reading	838
Feb.	28	Correctly enrolled. President signed	864

Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 653 By Goodrich

Jan. 2	Read first time	127
Jan. 4	Referred to Committee on Public Works	150
Jan. 8	Notice of hearing	192
Jan. 21	Placed on General File	347
Jan. 22	Motion. Motion lost	366
Jan. 23	Laid over	379
Jan. 30	Laid over	447
Jan. 31	Referred for review	460
Feb. 4	Placed on Select File	486
Feb. 5	Referred for engrossment	505
Feb. 7	Correctly engrossed	544
Feb. 12	Final Reading	606
Feb. 13	Correctly enrolled. President signed	619
Feb. 14	Presented to Governor	635
Feb. 25	Approved by Governor	741

LEGISLATIVE BILL 654 By Goodrich

Jan. 2	Read first time	127
Jan. 4	Referred to Committee on Public Works	150
Jan. 8	Notice of hearing	192
Jan. 22	Placed on General File	367
Jan. 23	Bracketed	380
Jan. 30	Motion. Motion prevailed	447
Feb. 6	Placed on General File	521
Feb. 26	Referred for review	820
Mar. 4	Placed on Select File	899
Mar. 5	Referred for engrossment	926
Mar. 11	Correctly engrossed	1032
Mar. 13	Final Reading	1104
Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Approved by Governor	1234

LEGISLATIVE BILL 655 By Goodrich

Jan. 2	Read first time	127
Jan. 4	Referred to Committee on Public Works	150
Jan. 8	Notice of hearing	192
Jan. 22	Placed on General File	367
Jan. 23	Bracketed	380

CHRONOLOGY OF BILLS

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Jan. 30	Referred for review	447
Feb. 1	Placed on Select File	472
Feb. 4	Referred for engrossment	495
Feb. 5	Correctly engrossed	510
Feb. 8	Final Reading	556
Feb. 11	Correctly enrolled. President signed	582
Feb. 12	Presented to Governor	610
Feb. 19	Approved by Governor	734

LEGISLATIVE BILL 656 By Goodrich

Jan. 2	Read first time	127
Jan. 4	Referred to Committee on Public Works	150
Jan. 8	Notice of hearing	192
Feb. 11	Placed on General File	590
Mar. 4	Bracketed	917
Mar. 12	Bracketed. Amendments printed	1083
Mar. 22	Amendments printed	1294
Mar. 27	Motion to advance for review lost	1380
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 657 By Warner

Jan. 2	Read first time	135
Jan. 4	Referred to Committee on Revenue	150
Jan. 9	Notice of hearing	203
Feb. 12	Indefinitely postponed	616

LEGISLATIVE BILL 658 By Moylan

Jan. 2	Read first time	135
Jan. 4	Referred to Committee on Judiciary	150
Jan. 9	Notice of hearing	202
Jan. 29	Placed on General File	407
Feb. 6	Referred for review	525
Feb. 8	Placed on Select File	553
Feb. 11	Bracketed	587
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 659 By Chambers

Jan. 2	Read first time	135
Jan. 4	Referred to Committee on Labor	150
Jan. 21	Notice of hearing	331
Feb. 25	Indefinitely postponed	749

LEGISLATIVE BILL 660 By Duis

Jan.	2	Read first time	135
Jan.	4	Referred to Committee on Public Health and Welfare	150
Jan.	7	Notice of hearing	179
Feb.	25	Placed on General File	751
Feb.	28	Referred for review	888
Mar.	6	Placed on Select File	952
Mar.	7	Referred for engrossment	990
Mar.	11	Replaced on Select File	1051
Mar.	12	Referred for engrossment	1068
Mar.	18	Correctly engrossed	1140
Mar.	21	Final Reading	1243
Mar.	21	Correctly enrolled	1254
Mar.	21	President signed	1255
Mar.	21	Presented to Governor	1263
Mar.	28	Approved by Governor	1405

LEGISLATIVE BILL 661 By Kelly

Jan.	2	Read first time	135
Jan.	4	Referred to Committee on Constitutional Revision and Recreation	150
Jan.	22	Notice of hearing	368
Feb.	11	Attorney General Opinion	581
Feb.	26	Indefinitely postponed	820

LEGISLATIVE BILL 662 By Kelly

Jan.	2	Read first time	136
Jan.	4	Referred to Committee on Labor	150
Jan.	7	Notice of hearing	179
Jan.	30	Placed on General File	453
Feb.	15	Referred for review	667
Feb.	19	Placed on Select File	729
Feb.	19	Referred for engrossment	733
Feb.	25	Correctly engrossed	747
Feb.	27	Final Reading	839
Feb.	28	Correctly enrolled. President signed	864
Feb.	28	Presented to Governor	876
Mar.	4	Approved by Governor	903

LEGISLATIVE BILL 663 By F. Carstens

Jan.	3	Read first time	141
Jan.	4	Referred to Committee on Banking, Commerce and Insurance	150

CHRONOLOGY OF BILLS

1781

Jan. 7	Notice of hearing	179
Jan. 31	Indefinitely postponed	464

LEGISLATIVE BILL 664 By F. Carstens

Jan. 3	Read first time	141
Jan. 4	Referred to Committee on Judiciary	150
Jan. 9	Notice of hearing	202
Jan. 29	Placed on General File	407
Feb. 6	Referred for review	525
Feb. 8	Placed on Select File	553
Feb. 11	Referred for engrossment	587
Feb. 13	Correctly engrossed	619
Feb. 18	Final Reading	684
Feb. 19	Correctly enrolled. President signed	711
Feb. 25	Presented to Governor	768
Feb. 25	Approved by Governor	742

LEGISLATIVE BILL 665 By F. Carstens

Jan. 3	Read first time	141
Jan. 4	Referred to Committee on Labor	150
Jan. 15	Notice of hearing	268
Jan. 30	Placed on General File	454
Feb. 6	Placed on General File. Corrected report	516
Mar. 27	Amendments rejected. Amendments adopted	1381
Mar. 27	Referred for review	1382
Mar. 28	Placed on Select File	1400
Mar. 28	Referred for engrossment	1406
Apr. 1	Correctly engrossed	1418
Apr. 10	Final Reading	1624
Apr. 10	Correctly enrolled. President signed	1628
Apr. 11	Presented to Governor	1635
Apr. 11	Explanation of vote	1653
Apr. 18	Returned by Governor without approval	1696
Apr. 18	Letter	1701

LEGISLATIVE BILL 666 By F. Carstens

Jan. 3	Read first time	141
Jan. 4	Referred to Committee on Judiciary	150
Jan. 9	Notice of hearing	202
Jan. 29	Placed on General File	407
Feb. 6	Referred for review	526
Feb. 8	Placed on Select File	554
Feb. 11	Referred for engrossment	587

Feb. 13	Correctly engrossed	619
Feb. 18	Final Reading	684
Feb. 19	Correctly enrolled. President signed	711
Feb. 25	Presented to Governor	768
Feb. 25	Approved by Governor	742

LEGISLATIVE BILL 667 By Stull

Jan. 3	Read first time	141
Jan. 4	Referred to Committee on Education	150
Jan. 7	Notice of hearing	179
Feb. 25	Indefinitely postponed	751

LEGISLATIVE BILL 668 By Waldron

Jan. 3	Read first time	141
Jan. 4	Referred to Committee on Constitutional Revision and Recreation	150
Jan. 22	Notice of hearing	368
Feb. 12	Placed on General File	614
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 669 By Judiciary Committee

Jan. 3	Read first time	142
Jan. 4	Referred to Committee on Judiciary	150
Jan. 9	Notice of hearing	202
Mar. 18	Indefinitely postponed	1144

LEGISLATIVE BILL 670 By Judiciary Committee

Jan. 3	Read first time	142
Jan. 4	Referred to Committee on Judiciary	150
Jan. 9	Notice of hearing	202
Jan. 29	Placed on General File	408
Feb. 6	Bracketed	526
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 671 By Stahmer

Jan. 3	Read first time	144
Jan. 4	Referred to Committee on Urban Affairs	150
Jan. 24	Motion. Motion pending	390
Jan. 30	Withdrawn	442

LEGISLATIVE BILL 672 By R. Lewis

Jan.	3	Read first time	144
Jan.	4	Referred to Committee on Banking, Commerce and Insurance	150
Jan.	7	Notice of hearing	179
Jan.	8	Notice of hearing reset	185
Jan.	17	Attorney General Opinion	306
Jan.	24	Indefinitely postponed	385

LEGISLATIVE BILL 673 By R. Lewis

Jan.	3	Read first time	144
Jan.	4	Referred to Committee on Public Works	150
Jan.	8	Notice of hearing	192
Feb.	7	Notice of hearing reset	533
Feb.	8	Notice of hearing reset	568
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 674 By R. Lewis

Jan.	3	Read first time	145
Jan.	4	Referred to Committee on Agriculture and Environment	150
Jan.	9	Notice of hearing	203
Jan.	29	Placed on General File	418
Feb.	15	Referred for review	666
Feb.	19	Placed on Select File	710
Feb.	19	Referred for engrossment	732
Feb.	25	Correctly engrossed	747
Feb.	27	Final Reading	840
Feb.	28	Correctly enrolled. President signed	864
Feb.	28	Presented to Governor	876
Mar.	4	Approved by Governor	903

LEGISLATIVE BILL 675 By R. Lewis

Jan.	3	Read first time	145
Jan.	4	Referred to Committee on Agriculture and Environment	150
Jan.	9	Notice of hearing	203
Jan.	29	Placed on General File	431
Feb.	15	Referred for review	667
Feb.	19	Placed on Select File	711
Feb.	19	Referred for engrossment	732
Feb.	25	Correctly engrossed	747

Feb. 27	Final Reading	840
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 676 By Stull

Jan. 3	Read first time	145
Jan. 4	Referred to Committee on Appropriations	150
Jan. 29	Notice of hearing	431
Feb. 8	Placed on General File	564
Feb. 26	Referred for review	821
Mar. 4	Placed on Select File	899
Mar. 5	Referred for engrossment	927
Mar. 11	Correctly engrossed	1032
Mar. 13	Final Reading	1105
Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Approved by Governor	1234

LEGISLATIVE BILL 677 By Kelly

Jan. 3	Read first time	145
Jan. 4	Referred to Committee on Government, Military and Veterans Affairs	150
Jan. 17	Notice of hearing	307
Feb. 4	Placed on General File	499
Feb. 25	Amendment printed	744
Mar. 8	Bracketed	1020
Mar. 12	Motion. Motion lost	1081
Mar. 12	Indefinitely postponed	1082
Mar. 13	Motion. Motion pending. Laid over	1126
Mar. 22	Motion renewed. Placed on General File	1283
Apr. 3	Motion. Motion lost. Referred for review	1488
Apr. 8	Placed on Select File	1515
Apr. 9	Motion. Motion lost. Failed to advance for engrossment	1556
Apr. 9	Referred for engrossment	1573
Apr. 9	Replaced on Select File	1580
Apr. 9	Failed to advance for review	1581
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 678 By Barnett

Jan. 3	Read first time	145
Jan. 4	Referred to Committee on Government, Military and Veterans Affairs	150
Jan. 17	Notice of hearing	307

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Feb. 8	Placed on General File	575
Feb. 14	Motion. Returned to Committee	641
Feb. 18	Letter from Ralph Nelson	698
Mar. 6	Notice of hearing	969
Mar. 18	Amendment printed	1149
Mar. 19	Placed on General File	1198
Apr. 3	Motion. Motion lost. Referred for review	1470
Apr. 3	Placed on Select File	1484
Apr. 3	Referred for engrossment	1493
Apr. 8	Replaced on Select File	1503
Apr. 8	Referred for engrossment	1517
Apr. 8	Correctly engrossed	1518
Apr. 8	Attorney General Opinion	1522
Apr. 9	Motion. Returned to Select File	1567
Apr. 9	Referred for re-engrossment	1569
Apr. 9	Replaced on Select File	1579
Apr. 9	Referred for re-engrossment	1581
Apr. 9	Correctly re-engrossed. Motion. Motion lost	1582
Apr. 11	Motion. Returned to Select File	1662
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 679 By Barnett

Jan. 3	Read first time	145
Jan. 4	Referred to Committee on Agriculture and Environment	150
Jan. 23	Notice of hearing	378
Feb. 26	Placed on General File	817
Feb. 28	Referred for review	892
Mar. 7	Placed on Select File	973
Mar. 8	Referred for engrossment	1011
Mar. 12	Correctly engrossed	1079
Mar. 19	Final Reading	1169
Mar. 20	Correctly enrolled. President signed	1203
Mar. 21	Presented to Governor	1237
Mar. 25	Approved by Governor	1301

LEGISLATIVE BILL 680 By Kelly

Jan. 3	Read first time	145
Jan. 4	Referred to Committee on Banking, Commerce and Insurance	150
Jan. 7	Notice of hearing	179
Jan. 15	Placed on General File	271
Jan. 22	Bracketed	366

Jan. 30	Referred for review	447
Feb. 1	Placed on Select File	472
Feb. 4	Referred for engrossment	494
Feb. 5	Correctly engrossed	510
Feb. 8	Final Reading	557
Feb. 11	Correctly enrolled. President signed	582
Feb. 12	Presented to Governor	610
Feb. 14	Approved by Governor	651

LEGISLATIVE BILL 681 By Simpson

Jan. 3	Read first time	146
Jan. 4	Referred to Committee on Urban Affairs	150
Jan. 29	Notice of hearing	416
Feb. 18	Placed on General File	681
Apr. 3	Referred for review	1487
Apr. 8	Placed on Select File	1512
Apr. 9	Referred for engrossment	1554
Apr. 9	Replaced on Select File	1579
Apr. 9	Referred for engrossment	1581
Apr. 9	Correctly engrossed	1582
Apr. 11	Final Reading	1662
Apr. 11	Correctly enrolled	1666
Apr. 11	President signed	1667
Apr. 11	Presented to Governor	1673
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 682 By Waldron

Jan. 3	Read first time	147
Jan. 4	Referred to Committee on Judiciary	150
Jan. 7	Referred to Committee on Miscellaneous Subjects	171
Jan. 9	Notice of hearing	203
Jan. 29	Placed on General File	429
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 683 By Judiciary Committee

Jan. 3	Read first time	147
Jan. 4	Referred to Committee on Judiciary	150
Jan. 9	Notice of hearing	202
Jan. 29	Placed on General File	408
Feb. 6	Referred for review	526
Feb. 8	Placed on Select File	554
Feb. 11	Referred for engrossment	587

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1787

Feb. 13	Correctly engrossed	619
Feb. 18	Final Reading	685
Feb. 19	Correctly enrolled. President signed	711
Feb. 25	Presented to Governor	768
Feb. 25	Approved by Governor	742

LEGISLATIVE BILL 684 By Savage

Jan. 3	Read first time	148
Jan. 4	Referred to Committee on Judiciary	150
Jan. 9	Notice of hearing	202
Jan. 29	Placed on General File	408
Feb. 6	Laid over	526
Feb. 7	Referred for review	539
Feb. 11	Placed on Select File	584
Feb. 12	Referred for engrossment	613
Feb. 13	Replaced on Select File	618
Feb. 14	Referred for engrossment	639
Feb. 15	Correctly engrossed	664
Feb. 25	Final Reading	754
Feb. 26	Correctly enrolled	812
Feb. 28	President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 685 By Executive Board

Jan. 4	Read first time	164
Jan. 4	Referred to Committee on Judiciary	168
Jan. 9	Notice of hearing	202
Jan. 29	Placed on General File	408
Feb. 8	Laid over	570
Feb. 13	Laid over	625
Feb. 25	Attorney General Opinion	797
Mar. 12	Referred for review	1093
Mar. 13	Placed on Select File	1129
Mar. 13	Referred for engrossment	1131
Mar. 18	Correctly engrossed	1140
Mar. 20	Bracketed	1221
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 686 By Executive Board

Jan. 4	Read first time	164
Jan. 4	Referred to Committee on Constitutional Revision and Recreation	168

Jan. 8	Notice of hearing	192
Feb. 25	Indefinitely postponed	789

LEGISLATIVE BILL 687 By Executive Board

Jan. 4	Read first time	164
Jan. 4	Referred to Committee on Appropriations	168
Jan. 29	Notice of hearing	431
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 688 By Labor Committee

Jan. 4	Read first time	164
Jan. 4	Referred to Committee on Labor	168
Jan. 15	Notice of hearing	268
Jan. 30	Indefinitely postponed	452

LEGISLATIVE BILL 689 By Skarda

Jan. 4	Read first time	165
Jan. 4	Referred to Committee on Government, Military and Veterans Affairs	168
Jan. 9	Notice of hearing	213
Jan. 30	Placed on General File	437
Feb. 15	Referred for review	667
Feb. 19	Placed on Select File	711
Feb. 19	Referred for engrossment	732
Feb. 25	Bracketed	768
Mar. 7	Unbracketed	1005
Mar. 11	Correctly engrossed	1032
Mar. 13	Final Reading	1106
Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Approved by Governor	1234

LEGISLATIVE BILL 690 By Skarda

Jan. 4	Read first time	165
Jan. 4	Referred to Committee on Government, Military and Veterans Affairs	168
Jan. 17	Notice of hearing	307
Feb. 26	Indefinitely postponed	822

LEGISLATIVE BILL 691 By Kremer, Duis

Jan.	4	Read first time	167
Jan.	4	Referred to Committee on Revenue	168
Jan.	15	Notice of hearing	284
Mar.	4	Placed on General File	918
Apr.	3	Referred for review	1476
Apr.	8	Placed on Select File	1509
Apr.	8	Referred for engrossment	1520
Apr.	8	Correctly engrossed	1541
Apr.	10	Final Reading	1627
Apr.	10	Correctly enrolled. President signed	1633
Apr.	11	Presented to Governor	1635
Apr.	11	Explanation of vote	1653
Apr.	18	Approved by Governor	1690

LEGISLATIVE BILL 692 By Murphy

Jan.	4	Read first time	167
Jan.	4	Referred to Committee on Miscellaneous Subjects	168
Jan.	24	Notice of hearing	386
Feb.	14	Bracketed	636
Feb.	14	Placed on General File	651
Feb.	25	Bracketed	801
Feb.	28	Bracketed	890
Mar.	4	Motion. Motion lost. Failed to advance for review	914
Mar.	6	Laid over	963
Mar.	8	Laid over	1014
Mar.	12	Referred for review	1091
Mar.	13	Placed on Select File	1129
Mar.	13	Referred for engrossment	1131
Mar.	19	Returned to Select File	1179
Mar.	19	Referred for engrossment	1180
Mar.	20	Replaced on Select File	1217
Mar.	21	Referred for engrossment	1260
Mar.	25	Correctly re-engrossed	1305
Apr.	10	Laid over	1617
Apr.	11	Final Reading	1638

LEGISLATIVE BILL 693 By Skarda, Hasebroock

Jan.	4	Read first time	167
Jan.	4	Referred to Committee on Public Health and Welfare	168

Jan. 15	Notice of hearing	269
Mar. 21	Placed on General File	1255
Apr. 3	Referred for reveiw	1488
Apr. 8	Placed on Select File	1513
Apr. 8	Referred for engrossment	1521
Apr. 8	Correctly engrossed	1541
Apr. 10	Final Reading	1628
Apr. 11	Correctly enrolled. President signed	1635
Apr. 11	Explanation of vote. Presented to Governor	1653
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 694 By Moylan

Jan. 4	Read first time	167
Jan. 4	Referred to Committee on Agriculture and Environment	168
Jan. 9	Notice of hearing	203
Feb. 13	Placed on General File	619
Feb. 26	Referred for review	825
Mar. 4	Placed on Select File	899
Mar. 5	Referred for engrossment	927
Mar. 6	Correctly engrossed	951
Mar. 11	Final Reading	1033
Mar. 12	Correctly enrolled. President signed	1075
Mar. 13	Presented to Governor	1112
Mar. 18	Approved by Governor	1135

LEGISLATIVE BILL 695 By Hasebroock

Jan. 4	Read first time	167
Jan. 4	Referred to Committee on Banking, Commerce and Insurance	168
Jan. 7	Notice of hearing	179
Jan. 15	Placed on General File	271
Jan. 18	Referred for review	325
Jan. 22	Placed on Select File	355
Jan. 23	Referred for engrossment	377
Jan. 24	Correctly engrossed	385
Jan. 30	Final Reading	440
Jan. 31	Correctly enrolled. President signed	456
Feb. 1	Presented to Governor	470
Feb. 5	Approved by Governor	502

LEGISLATIVE BILL 696 By Fowler

Jan. 4	Read first time	167
Jan. 4	Referred to Committee on Labor	168

CHRONOLOGY OF BILLS

1791

Jan. 21	Notice of hearing	331
Feb. 25	Placed on General File	749
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 697 By Fowler

Jan. 4	Read first time. Referred to Committee on Government, Military and Veterans Affairs	168
Jan. 7	Re-referred to Committee on Judiciary	171
Jan. 9	Notice of hearing	202
Jan. 29	Placed on General File	408
Feb. 8	Referred for review	570
Feb. 12	Placed on Select File	595
Feb. 13	Referred for engrossment	622
Feb. 14	Replaced on Select File	635
Feb. 15	Referred for engrossment	664
Feb. 18	Correctly engrossed	681
Feb. 26	Final Reading	805
Feb. 27	Correctly enrolled	831
Feb. 28	President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 698 By Fowler

Jan. 4	Read first time. Referred to Committee on Public Health and Welfare	168
Jan. 7	Notice of hearing	180
Feb. 27	Indefinitely postponed	857

LEGISLATIVE BILL 699 By Rasmussen, Wiltse

Jan. 4	Read first time. Referred to Committee on Constitutional Revision and Recreation	168
Jan. 7	Notice of hearing	179
Jan. 22	Placed on General File	358
Jan. 23	Referred for review	379
Jan. 23	Expedited	380
Jan. 24	Placed on Select File	385
Jan. 24	Referred for engrossment	392
Jan. 29	Correctly engrossed	406
Jan. 29	Motion. Motion pending. Laid over	430
Jan. 30	Referred for engrossment	441
Jan. 30	Attorney General Opinion	451
Jan. 31	Replaced on Select File	456
Feb. 1	Referred for re-engrossment	474

Feb. 4	Correctly re-engrossed	490
Feb. 7	Final Reading	534
Feb. 8	Correctly enrolled. President signed	577
Feb. 11	Presented to Governor	582
Feb. 14	Approved by Governor	634

LEGISLATIVE BILL 700 By Cavanaugh

Jan. 4	Read first time. Referred to Committee on Judiciary	168
Jan. 9	Notice of hearing	202
Mar. 19	Placed on General File	1193
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 701 By Marsh

Jan. 4	Read first time	168
Jan. 7	Referred to Committee on Public Works	181
Jan. 8	Notice of hearing	192
Jan. 29	Indefinitely postponed	404

LEGISLATIVE BILL 702 By Snyder

Jan. 7	Read first time	176
Jan. 7	Referred to Committee on Urban Affairs	181
Jan. 22	Notice of hearing	358
Feb. 1	Motion. Motion pending	477
Feb. 7	Withdrawn	538

LEGISLATIVE BILL 703 By Syas

Jan. 7	Read first time	176
Jan. 7	Referred to Committee on Urban Affairs	181
Jan. 15	Notice of hearing	284
Jan. 26	Placed on General File	396
Jan. 31	Referred for review	462
Feb. 4	Placed on Select File	489
Feb. 5	Referred for engrossment	506
Feb. 7	Correctly engrossed	544
Feb. 12	Final Reading	607
Feb. 13	Correctly enrolled. President signed	619
Feb. 14	Presented to Governor	635
Feb. 25	Approved by Governor	741

LEGISLATIVE BILL 704 By Warner

Jan. 7	Read first time	176
Jan. 7	Referred to Committee on Government, Military and Veterans Affairs	181

CHRONOLOGY OF BILLS

1793

Jan. 9	Notice of hearing	213
Jan. 24	Placed on General File	395
Jan. 31	Referred for review	461
Feb. 4	Placed on Select File	489
Feb. 5	Referred for engrossment	505
Feb. 7	Correctly engrossed	544
Feb. 12	Motion. Motion lost. Final Reading	607
Feb. 13	Correctly enrolled. President signed	619
Feb. 14	Presented to Governor	635
Feb. 25	Approved by Governor	741

LEGISLATIVE BILL 705 By Chambers

Jan. 7	Read first time	176
Jan. 7	Referred to Committee on Judiciary	181
Jan. 9	Re-referred to Committee on Government, Military and Veterans Affairs	204
Jan. 23	Notice of hearing	378
Feb. 5	Notice of hearing continued	507
Mar. 4	Meeting	913
Mar. 13	Placed on General File	1126
Mar. 18	Placed on General File, Corrected	1160
Mar. 21	Motions. Motions lost	1259
Apr. 3	Referred for review	1482
Apr. 8	Placed on Select File	1511
Apr. 8	Referred for engrossment	1521
Apr. 8	Correctly engrossed	1541
Apr. 10	Final Reading	1629
Apr. 11	Correctly enrolled. President signed	1635
Apr. 11	Explanation of vote. Presented to Governor	1653
Apr. 18	Returned by the Governor without approval	1690

LEGISLATIVE BILL 706 By Stahmer

Jan. 7	Read first time	176
Jan. 7	Referred to Committee on Constitutional Revision and Recreation	181
Jan. 21	Notice of hearing	350
Feb. 28	Indefinitely postponed	865
Feb. 28	Motion. Motion pending	879

LEGISLATIVE BILL 707 By Kime

Jan. 7	Read first time	180
Jan. 7	Referred to Committee on Judiciary	181

Jan. 9	Notice of hearing	202
Feb. 25	Indefinitely postponed	783

LEGISLATIVE BILL 708 By Cavanaugh

Jan. 7	Read first time	180
Jan. 7	Referred to Committee on Miscellaneous Subjects	181
Feb. 4	Notice of hearing	497
Feb. 19	Amendments printed	720
Mar. 6	Placed on General File	964
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 709 By Cavanaugh

Jan. 7	Read first time	180
Jan. 7	Referred to Committee on Agriculture and Environment	181
Jan. 18	Notice of hearing	316
Jan. 29	Indefinitely postponed	409

LEGISLATIVE BILL 710 By Cavanaugh

Jan. 7	Read first time	180
Jan. 7	Referred to Committee on Labor	181
Jan. 29	Notice of hearing	417
Feb. 25	Placed on General File	765
Feb. 28	Referred for review	890
Mar. 18	Placed on Select File	1158
Mar. 19	Referred for engrossment	1177
Mar. 21	Correctly engrossed	1254
Mar. 26	Final Reading	1331
Mar. 26	Correctly enrolled. Speaker signed	1343
Mar. 26	Presented to Governor	1350
Apr. 1	Approved by Governor	1409

LEGISLATIVE BILL 711 By Cavanaugh

Jan. 7	Read first time	180
Jan. 7	Referred to Committee on Judiciary	181
Jan. 9	Notice of hearing	202
Feb. 5	Placed on General File	510
Mar. 8	Motion. Motion pending	1020
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 712 By Stromer

Jan.	7	Read first time. Referred to Committee on Banking, Commerce and Insurance	181
Jan.	8	Notice of hearing	185
Jan.	31	Placed on General File	464
Feb.	15	Referred for review	672
Feb.	19	Placed on Select File	729
Feb.	19	Referred for engrossment	733
Feb.	25	Correctly engrossed	747
Feb.	27	Final Reading	841
Feb.	28	Correctly enrolled. President signed	864
Feb.	28	Presented to Governor	876
Mar.	4	Approved by Governor	903

LEGISLATIVE BILL 713 By Snyder

Jan.	7	Read first time. Referred to Committee on Urban Affairs	181
Jan.	22	Notice of hearing	359
Feb.	7	Placed on General File	548
Mar.	6	Amendment printed	969
Mar.	8	Laid over	1021
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 714 By F. Carstens

Jan.	7	Read first time. Referred to Committee on Banking, Commerce and Insurance	181
Jan.	8	Notice of hearing	185
Jan.	24	Indefinitely postponed	385

LEGISLATIVE BILL 715 By Whitney

Jan.	8	Read first time	185
Jan.	9	Referred to Committee on Labor	199
Jan.	15	Notice of hearing	268
Jan.	29	Placed on General File	405
Feb.	6	Referred for review	523
Feb.	8	Placed on Select File	553
Feb.	11	Referred for engrossment	587
Feb.	12	Correctly engrossed	610
Feb.	15	Final Reading	661
Feb.	18	Correctly enrolled	681
Feb.	18	President signed	682
Feb.	19	Presented to Governor	712
Feb.	25	Approved by Governor	742

LEGISLATIVE BILL 716 By Executive Board

Jan.	8	Read first time	185
Jan.	9	Referred to Committee on Miscellaneous Subjects	199
Jan.	17	Notice of hearing	307
Jan.	29	Placed on General File	429
Feb.	15	Referred for review	667
Feb.	19	Placed on Select File	711
Feb.	19	Referred for engrossment	732
Feb.	25	Correctly engrossed	747
Feb.	27	Final Reading	842
Feb.	28	Correctly enrolled. President signed	864
Feb.	28	Presented to Governor	876
Mar.	4	Approved by Governor	903

LEGISLATIVE BILL 717 By Barnett

Jan.	8	Read first time	185
Jan.	9	Referred to Committee on Public Works	199
Jan.	10	Notice of hearing	223
Jan.	29	Placed on General File	404
Jan.	31	Referred for review	463
Feb.	4	Placed on Select File	489
Feb.	5	Referred for engrossment	506
Feb.	7	Correctly engrossed	544
Feb.	12	Final Reading	608
Feb.	13	Correctly enrolled. President signed	619
Feb.	14	Presented to Governor	635
Feb.	25	Approved by Governor	741

LEGISLATIVE BILL 718 By Constitutional Revision and Recreation Committee

Jan.	8	Read first time	185
Jan.	9	Referred to Committee on Constitutional Revision and Recreation	199
Jan.	15	Notice of hearing	269
Feb.	12	Placed on General File	614
Apr.	3	Indefinitely postponed	1490

LEGISLATIVE BILL 719 By Schmit

Jan.	8	Read first time	186
Jan.	9	Referred to Committee on Education	199
Jan.	15	Notice of hearing	269

CHRONOLOGY OF BILLS

1797

Mar. 12	Placed on General File	1088
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 720 By Wiltse

Jan. 8	Read first time	186
Jan. 9	Referred to Committee on Public Works	199
Jan. 10	Notice of hearing	223
Jan. 29	Indefinitely postponed	404

LEGISLATIVE BILL 721 By Wiltse

Jan. 8	Read first time	186
Jan. 9	Referred to Committee on Banking, Commerce and Insurance	199
Jan. 17	Notice of hearing	303
Feb. 11	Placed on General File	588
Feb. 15	Referred for review	675
Feb. 19	Placed on Select File	731
Feb. 19	Laid over	734
Feb. 25	Laid over	763
Feb. 26	Laid over	810
Feb. 26	Amendment printed	814
Feb. 27	Laid over	853
Feb. 28	Referred for engrossment	871
Mar. 8	Replaced on Select File	1007
Mar. 11	Referred for engrossment	1045
Mar. 18	Replaced on Select File	1139
Mar. 19	Referred for engrossment	1176
Mar. 20	Correctly engrossed	1203
Mar. 25	Final Reading	1303
Mar. 25	Correctly enrolled. Speaker signed	1317
Mar. 25	Presented to Governor	1323
Apr. 1	Approved by Governor	1409

LEGISLATIVE BILL 722 By Luedtke

Jan. 8	Read first time	191
Jan. 9	Referred to Committee on Judiciary	199
Jan. 15	Notice of hearing	268
Feb. 5	Placed on General File	511
Feb. 26	Referred for review	819
Feb. 28	Placed on Select File	883
Feb. 28	Referred for engrossment	886
Mar. 5	Correctly engrossed	922
Mar. 7	Final Reading	984

Mar.	7	Explanation of vote	989
Mar.	8	Correctly enrolled	1010
Mar.	8	President signed	1020
Mar.	8	Presented to Governor	1025
Mar.	18	Approved by Governor	1134

LEGISLATIVE BILL 723 By Luedtke

Jan.	8	Read first time	191
Jan.	9	Referred to Committee on Judiciary	199
Jan.	15	Notice of hearing	268
Feb.	5	Placed on General File	511
Feb.	26	Referred for review	819
Mar.	4	Placed on Select File	898
Mar.	5	Referred for engrossment	925
Mar.	7	Replaced on Select File	991
Mar.	8	Referred for engrossment	1012
Mar.	11	Correctly engrossed	1032
Mar.	13	Final Reading	1107
Mar.	18	Correctly enrolled. President signed	1140
Mar.	19	Presented to Governor	1177
Mar.	20	Approved by Governor	1234

LEGISLATIVE BILL 724 By F. Lewis

Jan.	8	Read first time	191
Jan.	9	Referred to Committee on Nebraska Retirement Systems	199
Jan.	29	Notice of hearing	406
Feb.	1	Notice of hearing	478
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 725 By Marvel

Jan.	8	Read first time	191
Jan.	9	Referred to Committee on Miscellaneous Subjects	199
Feb.	4	Notice of hearing	497
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 726 By Marvel

Jan.	8	Read first time	191
Jan.	9	Referred to Committee on Labor	199
Jan.	29	Notice of hearing	417
Feb.	25	Placed on General File	749
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 727 By Public Health and Welfare Committee

Jan.	8	Read first time	191
Jan.	9	Referred to Committee on Public Health and Welfare	199
Jan.	15	Notice of hearing	269
Feb.	27	Placed on General File	857
Mar.	18	Amendments printed	1147
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 728 By Richendifer

Jan.	8	Read first time	192
Jan.	9	Referred to Committee on Revenue	199
Jan.	15	Notice of hearing	284
Feb.	28	Indefinitely postponed	874

LEGISLATIVE BILL 729 By Murphy

Jan.	9	Read first time	206
Jan.	9	Referred to Committee on Banking, Commerce and Insurance	215
Jan.	15	Notice of hearing	263
Jan.	24	Placed on General File	395
Jan.	31	Bracketed. Co-introducer added	461
Feb.	6	Referred for review	523
Feb.	8	Placed on Select File	552
Feb.	11	Referred for engrossment	586
Feb.	12	Correctly engrossed	610
Feb.	15	Final Reading	662
Feb.	15	Explanation of vote	665
Feb.	18	Correctly enrolled	681
Feb.	18	President signed	682
Feb.	19	Presented to Governor	712
Feb.	25	Approved by Governor	741

LEGISLATIVE BILL 730 By F. Carstens

Jan.	9	Read first time	206
Jan.	9	Referred to Committee on Banking, Commerce and Insurance	215
Jan.	15	Notice of hearing	263
Jan.	24	Placed on General File	395
Jan.	31	Referred for review	461
Feb.	4	Placed on Select File	488
Feb.	5	Referred for engrossment	505

Feb. 6	Replaced on Select File	517
Feb. 7	Referred for engrossment	538
Feb. 11	Replaced on Select File	584
Feb. 12	Referred for engrossment	612
Feb. 14	Correctly engrossed	635
Feb. 19	Final Reading	716
Feb. 25	Correctly enrolled	766
Feb. 28	President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 731 By Judiciary Committee

Jan. 9	Read first time	207
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 15	Placed on General File	670
Apr. 3	Motion. Indefinitely postponed	1480

LEGISLATIVE BILL 732 By Judiciary Committee

Jan. 9	Read first time	207
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 1	Placed on General File	480
Feb. 15	Referred for review	674
Feb. 19	Placed on Select File	730
Feb. 19	Referred for engrossment	733
Feb. 25	Correctly engrossed	747
Feb. 27	Final Reading	843
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 733 By Judiciary Committee

Jan. 9	Read first time	207
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 5	Placed on General File	511
Feb. 26	Referred for review	819
Mar. 4	Placed on Select File	898
Mar. 5	Referred for engrossment	925
Mar. 7	Replaced on Select File	991
Mar. 8	Referred for engrossment	1012
Mar. 11	Replaced on Select File	1051

CHRONOLOGY OF BILLS

1801

Mar. 12	Referred for engrossment	1068
Mar. 18	Correctly engrossed	1140
Mar. 21	Final Reading	1243
Mar. 21	Correctly enrolled	1254
Mar. 21	President signed	1255
Mar. 21	Presented to Governor	1263
Mar. 25	Approved by Governor	1316

LEGISLATIVE BILL 734 By Judiciary Committee

Jan. 9	Read first time	207
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 1	Placed on General File	480
Feb. 25	Referred for review	787
Feb. 27	Placed on Select File	852
Feb. 28	Referred for engrossment	872
Mar. 4	Replaced on Select File	897
Mar. 5	Referred for engrossment	925
Mar. 6	Correctly engrossed	951
Mar. 11	Final Reading	1034
Mar. 12	Correctly enrolled. President signed	1075
Mar. 13	Presented to Governor	1112
Mar. 18	Approved by Governor	1135

LEGISLATIVE BILL 735 By Judiciary Committee

Jan. 9	Read first time	208
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 1	Placed on General File	480
Feb. 25	Referred for review	787
Feb. 27	Placed on Select File	852
Feb. 28	Referred for engrossment	872
Mar. 4	Correctly engrossed	918
Mar. 7	Final Reading	976
Mar. 8	Correctly enrolled	1010
Mar. 8	President signed	1020
Mar. 8	Presented to Governor	1025
Mar. 18	Approved by Governor	1134

LEGISLATIVE BILL 736 By Judiciary Committee

Jan. 9	Read first time	208
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268

Feb.	1	Placed on General File	480
Feb.	25	Referred for review	787
Feb.	27	Placed on Select File	852
Feb.	28	Referred for engrossment	872
Mar.	4	Correctly engrossed	901
Mar.	7	Held over	976
Mar.	8	Final Reading	1010
Mar.	8	Correctly enrolled	1019
Mar.	8	President signed	1020
Mar.	8	Presented to Governor	1025
Mar.	11	Motion. Motion lost	1062
Mar.	18	Approved by Governor	1135

LEGISLATIVE BILL 737 By Judiciary Committee

Jan.	9	Read first time	208
Jan.	9	Referred to Committee on Judiciary	215
Jan.	15	Notice of hearing	268
Feb.	1	Placed on General File	480
Feb.	25	Referred for review	788
Feb.	27	Placed on Select File	852
Feb.	28	Referred for engrossment	873
Mar.	4	Correctly engrossed	901
Mar.	7	Final Reading	976
Mar.	8	Correctly enrolled	1010
Mar.	8	President signed	1020
Mar.	8	Presented to Governor	1025
Mar.	18	Approved by Governor	1134

LEGISLATIVE BILL 738 By Judiciary Committee

Jan.	9	Read first time	208
Jan.	9	Referred to Committee on Judiciary	215
Jan.	15	Notice of hearing	268
Feb.	1	Placed on General File	481
Feb.	25	Referred for review	788
Feb.	27	Placed on Select File	852
Feb.	28	Referred for engrossment	873
Mar.	4	Correctly engrossed	901
Mar.	7	Final Reading	977
Mar.	8	Correctly enrolled	1010
Mar.	8	President signed	1020
Mar.	8	Presented to Governor	1025
Mar.	18	Approved by Governor	1134

LEGISLATIVE BILL 739 By Judiciary Committee

Jan. 9	Read first time	208
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 4	Placed on General File	497
Feb. 25	Referred for review	795
Feb. 28	Placed on Select File	863
Feb. 28	Referred for engrossment	885
Mar. 4	Correctly engrossed	901
Mar. 7	Final Reading	978
Mar. 8	Correctly enrolled	1010
Mar. 8	President signed	1020
Mar. 8	Presented to Governor	1025
Mar. 18	Approved by Governor	1134

LEGISLATIVE BILL 740 By Judiciary Committee

Jan. 9	Read first time	209
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing. Cancelled	268
Jan. 17	Re-referred to Committee on Nebraska Retirement Systems	308
Jan. 18	Notice of hearing. Cancelled	326
Jan. 29	Notice of hearing	406
Mar. 5	Placed on General File	938
Mar. 27	Amendments printed	1376
Apr. 3	Referred for review	1472
Apr. 8	Placed on Select File	1505
Apr. 8	Referred for engrossment	1518
Apr. 8	Correctly engrossed	1541
Apr. 10	Final Reading	1630
Apr. 11	Correctly enrolled. President signed	1635
Apr. 11	Explanation of vote. Presented to Governor	1653
Apr. 18	Approved by Governor	1690

LEGISLATIVE BILL 741 By Judiciary Committee

Jan. 9	Read first time	209
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 15	Placed on General File	660
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 742 By Judiciary Committee

Jan. 9	Read first time	209
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 4	Placed on General File	498
Feb. 25	Referred for review	795
Feb. 28	Placed on Select File	863
Feb. 28	Referred for engrossment	886
Mar. 4	Correctly engrossed	901
Mar. 7	Final Reading	979
Mar. 8	Correctly enrolled	1010
Mar. 8	President signed	1020
Mar. 8	Presented to Governor	1025
Mar. 18	Approved by Governor	1134

LEGISLATIVE BILL 743 By Judiciary Committee

Jan. 9	Read first time	209
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 4	Placed on General File	498
Feb. 25	Laid over	795
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 744 By Judiciary Committee

Jan. 9	Read first time	209
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 4	Placed on General File	498
Feb. 25	Referred for review	795
Feb. 28	Placed on Select File	863
Feb. 28	Referred for engrossment	886
Mar. 4	Correctly engrossed	918
Mar. 7	Final Reading	979
Mar. 8	Correctly enrolled	1010
Mar. 8	President signed	1020
Mar. 8	Presented to Governor	1025
Mar. 18	Approved by Governor	1134

LEGISLATIVE BILL 745 By Judiciary Committee

Jan. 9	Read first time	210
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268

CHRONOLOGY OF BILLS

1805

Feb. 4	Placed on General File	498
Feb. 25	Laid over	796
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 746 By Judiciary Committee

Jan. 9	Read first time	210
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 26	Placed on General File	812
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 747 By Judiciary Committee

Jan. 9	Read first time	210
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 4	Placed on General File	499
Feb. 26	Referred for review	819
Feb. 28	Placed on Select File	883
Feb. 28	Laid over	886
Mar. 4	Referred for engrossment	902
Mar. 5	Correctly engrossed	922
Mar. 7	Final Reading	985
Mar. 7	Explanation of vote	989
Mar. 8	Correctly enrolled	1010
Mar. 8	Explanation of vote	1019
Mar. 8	President signed	1020
Mar. 8	Presented to Governor	1025
Mar. 18	Approved by Governor	1134

LEGISLATIVE BILL 748 By Judiciary Committee

Jan. 9	Read first time	210
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 4	Placed on General File	499
Feb. 25	Referred for review	796
Feb. 28	Placed on Select File	863
Feb. 28	Referred for engrossment	886
Mar. 4	Correctly engrossed	918
Mar. 7	Final Reading	980
Mar. 7	Explanation of vote	989
Mar. 8	Correctly enrolled	1010
Mar. 8	President signed	1020
Mar. 8	Presented to Governor	1025
Mar. 18	Approved by Governor	1134

LEGISLATIVE BILL 749 By DeCamp

Jan.	9	Read first time	210
Jan.	9	Referred to Committee on Public Works	215
Jan.	10	Notice of hearing	223
Feb.	1	Indefinitely postponed	474

LEGISLATIVE BILL 750 By Chambers

Jan.	9	Read first time	211
Jan.	9	Referred to Committee on Judiciary	215
Jan.	15	Notice of hearing	268
Feb.	15	Placed on General File	660
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 751 By Stull

Jan.	9	Read first time	211
Jan.	9	Referred to Committee on Banking, Commerce and Insurance	215
Jan.	15	Notice of hearing	263
Jan.	24	Indefinitely postponed	395

LEGISLATIVE BILL 752 By Keyes

Jan.	9	Read first time	211
Jan.	9	Referred to Committee on RRevenue	215
Jan.	17	Notice of hearing	300
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 753 By Keyes

Jan.	9	Read first time	211
Jan.	9	Referred to Committee on Public Works	215
Jan.	10	Notice of hearing	224
Feb.	4	Indefinitely postponed	493

LEGISLATIVE BILL 754 By Carpenter

Jan.	9	Read first time	211
Jan.	9	Referred to Committee on Miscellaneous Subjects	215
Jan.	24	Notice of hearing	386
Feb.	12	Placed on General File	615
Mar.	20	Change of order	1217
Mar.	27	Referred for review	1382

CHRONOLOGY OF BILLS

1807

Mar. 28	Placed on Select File	1400
Mar. 28	Referred for engrossment	1406
Apr. 1	Replaced on Select File	1417
Apr. 1	Referred for engrossment	1436
Apr. 1	Correctly engrossed	1438
Apr. 10	Final Reading	1619
Apr. 10	Correctly enrolled. President signed	1624
Apr. 10	Presented to Governor	1633
Apr. 18	Approved by Governor	1692

LEGISLATIVE BILL 754A By Carpenter

Mar. 4	Read first time. Placed on General File	905
Mar. 27	Referred for review	1382
Mar. 28	Placed on Select File	1401
Mar. 28	Referred for engrossment	1406
Apr. 1	Replaced on Select File	1418
Apr. 1	Referred for engrossment	1436
Apr. 1	Correctly engrossed	1438
Apr. 10	Final Reading	1620
Apr. 10	Correctly enrolled. President signed	1624
Apr. 10	Presented to Governor	1633
Apr. 18	Approved by Governor	1692

LEGISLATIVE BILL 755 By F. Carstens

Jan. 9	Read first time	212
Jan. 9	Referred to Committee on Judiciary	215
Jan. 15	Notice of hearing	268
Feb. 15	Indefinitely postponed	660
Feb. 15	Motion. Motion pending	672
Feb. 18	Motion renewed. Placed on General File	694
Feb. 27	Bracketed	856
Mar. 7	Referred for review	1002
Mar. 7	Expedited	1003
Mar. 11	Placed on Select File	1055
Mar. 12	Referred for engrossment	1069
Mar. 18	Correctly engrossed	1152
Mar. 21	Final Reading	1244
Mar. 21	Correctly enrolled	1254
Mar. 21	President signed	1255
Mar. 21	Presented to Governor	1263
Mar. 28	Approved by Governor	1405

LEGISLATIVE BILL 756 By Agriculture and Environment Committee

Jan.	9	Read first time	212
Jan.	9	Referred to Committee on Agriculture and Environment	215
Jan.	18	Notice of hearing	316
Jan.	29	Placed on General File	409
Feb.	15	Referred for review	665
Feb.	19	Placed on Select File	709
Feb.	19	Referred for engrossment	731
Feb.	25	Correctly engrossed	747
Feb.	27	Final Reading	843
Feb.	28	Correctly enrolled. President signed	864
Feb.	28	Presented to Governor	876
Mar.	5	Approved by Governor	921

LEGISLATIVE BILL 757 By Dickinson

Jan.	9	Read first time	212
Jan.	9	Referred to Committee on Public Works	215
Jan.	15	Notice of hearing	295
Feb.	11	Placed on General File	591
Feb.	26	Laid over	825
Feb.	27	Amendments printed	856
Mar.	27	Referred for review	1382
Mar.	28	Placed on Select File	1401
Mar.	28	Referred for engrossment	1406
Apr.	1	Replaced on Select File	1418
Apr.	3	Referred for engrossment	1492
Apr.	3	Motion. Returned to Select File. Referred for engrossment	1494
Apr.	8	Replaced on Select File	1504
Apr.	8	Referred for engrossment. Correctly engrossed ...	1518
Apr.	11	Final Reading	1639
Apr.	11	Correctly enrolled. President signed	1644
Apr.	11	Presented to Governor	1653
Apr.	18	Approved by Governor	1691

LEGISLATIVE BILL 758 By Waldron

Jan.	9	Read first time	212
Jan.	9	Referred to Committee on Miscellaneous Subjects	215
Jan.	24	Notice of hearing	386
Feb.	25	Placed on General File	783
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 759 By Simpson

Jan.	9	Read first time	212
Jan.	9	Referred to Committee on Miscellaneous Subjects	215
Jan.	24	Notice of hearing	386
Feb.	28	Placed on General File	891
Apr.	3	Motion. Indefinitely postponed	1475

LEGISLATIVE BILL 760 By Fellman

Jan.	9	Read first time	213
Jan.	9	Referred to Committee on Constitutional Revision and Recreation	215
Jan.	21	Notice of hearing	350
Feb.	12	Indefinitely postponed	614

LEGISLATIVE BILL 761 By Fowler

Jan.	9	Read first time	214
Jan.	9	Referred to Committee on Miscellaneous Subjects	215
Jan.	24	Notice of hearing	386
Feb.	25	Indefinitely postponed	771

LEGISLATIVE BILL 762 By Clark

Jan.	9	Read first time	214
Jan.	9	Referred to Committee on Public Works	215
Jan.	10	Notice of hearing	223
Jan.	29	Placed on General File	404
Jan.	31	Laid over	463
Feb.	1	Motion. Motion lost. Referred for review	475
Feb.	5	Placed on Select File	502
Feb.	6	Referred for engrossment	519
Feb.	11	Correctly engrossed	582
Feb.	14	Final Reading	636
Feb.	15	Correctly enrolled. President signed	664
Feb.	18	Presented to Governor	681
Feb.	25	Approved by Governor	741

LEGISLATIVE BILL 763 By Richendifer

Jan.	9	Read first time. Referred to Committee on Public Works	215
Jan.	10	Notice of hearing	224

Feb. 1	Placed on General File	474
Feb. 6	Amendments printed	520
Feb. 18	Amendments printed	682
Feb. 25	Referred for review	787
Feb. 27	Placed on Select File	831
Feb. 28	Bracketed	872
Mar. 11	Unbracketed	1044
Mar. 11	Referred for engrossment	1061
Mar. 13	Replaced on Select File	1116
Mar. 13	Referred for engrossment	1120
Mar. 19	Correctly engrossed	1177
Mar. 22	Final Reading	1275
Mar. 22	Correctly enrolled. President signed	1284
Mar. 22	Presented to Governor	1286
Mar. 26	Approved by Governor	1341

LEGISLATIVE BILL 764 By Duis

Jan. 9	Read first time. Referred to Committee on Banking, Commerce and Insurance	215
Jan. 17	Notice of hearing	303
Feb. 7	Indefinitely postponed	531

LEGISLATIVE BILL 765 By Syas

Jan. 10	Read first time	219
Jan. 14	Referred to Committee on Constitutional Revision and Recreation	233
Jan. 15	Notice of hearing	269
Jan. 29	Placed on General File	419
Feb. 15	Referred for review	666
Feb. 19	Placed on Select File	710
Feb. 19	Referred for engrossment	732
Feb. 25	Correctly engrossed	747
Feb. 27	Final Reading	844
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 766 By Syas

Jan. 10	Read first time	219
Jan. 14	Referred to Committee on Constitutional Revision and Recreation	233
Jan. 15	Notice of hearing	269
Jan. 29	Placed on General File	419

CHRONOLOGY OF BILLS

1811

Feb. 15	Referred for review	666
Feb. 19	Placed on Select File	710
Feb. 19	Referred for engrossment	732
Feb. 25	Correctly engrossed	747
Feb. 27	Final Reading	845
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 767 By Syas

Jan. 10	Read first time	219
Jan. 14	Referred to Committee on Constitutional Revision and Recreation	233
Jan. 15	Notice of hearing	269
Jan. 29	Placed on General File	419
Feb. 15	Referred for review	666
Feb. 19	Placed on Select File	710
Feb. 19	Referred for engrossment	732
Feb. 25	Correctly engrossed	747
Feb. 27	Final Reading	846
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 768 By Syas

Jan. 10	Read first time	219
Jan. 14	Referred to Committee on Urban Affairs	233
Jan. 22	Notice of hearing	359
Feb. 7	Placed on General File	548
Feb. 26	Referred for review	820
Mar. 4	Placed on Select File	899
Mar. 5	Referred for engrossment	927
Mar. 11	Correctly engrossed	1032
Mar. 13	Final Reading	1107
Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Approved by Governor	1234

LEGISLATIVE BILL 769 By Johnson

Jan. 10	Read first time	219
Jan. 14	Referred to Committee on Public Works	233
Jan. 15	Notice of hearing	296
Mar. 5	Placed on General File	940
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 770 By F. Lewis

Jan. 10	Read first time	219
Jan. 14	Referred to Committee on Labor	233
Feb. 1	Notice of hearing	479
Feb. 7	Notice of hearing cancelled. Notice of hearing reset	550
Feb. 25	Indefinitely postponed	749
Feb. 25	Motion. Motion pending	769
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 771 By Stull

Jan. 10	Read first time	221
Jan. 14	Referred to Committee on Government, Military and Veterans Affairs	233
Jan. 17	Notice of hearing	307
Feb. 8	Placed on General File	576
Feb. 18	Change of order	692
Feb. 25	Referred for review. Expedited	770
Feb. 25	Placed on Select File	792
Feb. 25	Referred for engrossment	795
Feb. 26	Correctly engrossed	822
Feb. 28	Final Reading	865
Feb. 28	Correctly enrolled. President signed	871
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903
Mar. 4	Explanation of vote	911

LEGISLATIVE BILL 772 By Warner

Jan. 10	Read first time	221
Jan. 14	Referred to Committee on Education	233
Jan. 15	Notice of hearing	269
Jan. 30	Motion. Motion prevailed	443
Jan. 30	Placed on General File	444
Feb. 5	Amendments printed	507
Feb. 7	Referred for review	540
Feb. 7	Amendment printed	541
Feb. 11	Placed on Select File	584
Feb. 12	Amendment printed	613
Feb. 13	Bracketed	621
Feb. 15	Amendment printed	668
Feb. 25	Amendment printed	799
Feb. 28	Unbracketed. Referred for engrossment	874
Mar. 5	Replaced on Select File	922

CHRONOLOGY OF BILLS

1813

Mar. 5	Change of order	935
Mar. 6	Referred for engrossment	946
Mar. 12	Correctly engrossed	1079
Mar. 19	Final Reading	1169
Mar. 19	Expedited	1176
Mar. 19	Correctly enrolled. President signed. Presented to Governor	1181
Mar. 26	Returned by Governor without approval	1327
Mar. 26	Attorney General Opinion	1328
Mar. 26	Motion. Passed over Governor's veto	1348
Mar. 26	Explanation of vote	1350
Mar. 26	Delivered to Secretary of State	1352
Mar. 26	Letter	1353

LEGISLATIVE BILL 773 By Marsh

Jan. 10	Read first time	221
Jan. 14	Referred to Committee on Public Health and Welfare	234
Jan. 17	Notice of hearing	300
Feb. 8	Indefinitely postponed	577

LEGISLATIVE BILL 774 By Stromer

Jan. 10	Read first time	221
Jan. 14	Referred to Committee on Judiciary	234
Jan. 15	Notice of hearing	268
Mar. 18	Placed on General File	1144
Apr. 3	Referred for review	1482
Apr. 8	Placed on Select File	1512
Apr. 8	Motions. Motions lost. Referred for engrossment	1539
Apr. 9	Replaced on Select File	1559
Apr. 9	Motion. Motion pending	1560
Apr. 9	Referred for engrossment	1563
Apr. 9	Motion. Motion lost	1565
Apr. 9	Correctly engrossed	1570
Apr. 11	Final Reading	1663
Apr. 11	Correctly enrolled	1666
Apr. 11	President signed	1667
Apr. 11	Presented to Governor	1673
Apr. 18	Approved by Governor	1690

LEGISLATIVE BILL 775 By Fowler

Jan. 10	Read first time	222
Jan. 14	Referred to Committee on Labor	234

Jan. 29	Notice of hearing	417
Feb. 25	Placed on General File	749
Mar. 8	Referred for review	1022
Mar. 13	Placed on Select File	1117
Mar. 13	Referred for engrossment	1121
Mar. 19	Correctly engrossed	1177
Mar. 22	Final Reading	1276
Mar. 22	Correctly enrolled. President signed	1284
Mar. 22	Presented to Governor	1286
Mar. 25	Explanation of vote	1301
Mar. 26	Approved by Governor	1341

LEGISLATIVE BILL 776 By Fowler

Jan. 10	Read first time	222
Jan. 14	Referred to Committee on Government, Military and Veterans Affairs	234
Feb. 5	Notice of hearing	507
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 777 By Snyder

Jan. 10	Read first time	222
Jan. 14	Referred to Committee on Miscellaneous Subjects	234
Jan. 24	Notice of hearing	386
Feb. 4	Withdrawn	493

LEGISLATIVE BILL 778 By Snyder

Jan. 10	Read first time	222
Jan. 14	Referred to Committee on Public Health and Welfare	234
Jan. 15	Notice of hearing	269
Jan. 29	Placed on General File	405
Feb. 6	Referred for review	524
Feb. 8	Placed on Select File	553
Feb. 11	Referred for engrossment	587
Feb. 12	Correctly engrossed	610
Feb. 15	Final Reading	663
Feb. 15	Explanation of vote	665
Feb. 18	Correctly enrolled	681
Feb. 18	President signed	682
Feb. 19	Presented to Governor	712
Feb. 25	Approved by Governor	741

LEGISLATIVE BILL 779 By Wiltse

Jan. 10	Read first time	222
Jan. 14	Referred to Committee on Constitutional Revision and Recreation	234
Jan. 15	Notice of hearing	269
Feb. 6	Placed on General File	527
Feb. 15	Referred for review	675
Feb. 25	Placed on Select File	771
Feb. 26	Motion. Motion lost. Referred for engrossment	810
Mar. 4	Replaced on Select File	897
Mar. 5	Referred for engrossment	925
Mar. 6	Correctly engrossed	951
Mar. 11	Motion. Motion lost. Final Reading	1035
Mar. 12	Motion. Motion lost	1069
Mar. 12	Correctly enrolled. President signed	1075
Mar. 13	Presented to Governor	1112
Mar. 18	Approved by Governor	1145

LEGISLATIVE BILL 780 By Fellman

Jan. 10	Read first time	222
Jan. 14	Referred to Committee on Urban Affairs	234
Jan. 22	Notice of hearing	359
Mar. 4	Attorney General Opinion	906
Mar. 13	Placed on General File	1113
Apr. 3	Referred for review	1481
Apr. 8	Placed on Select File	1511
Apr. 8	Referred for engrossment	1521
Apr. 8	Correctly engrossed	1541
Apr. 11	Final Reading	1642

LEGISLATIVE BILL 781 By Fellman

Jan. 10	Read first time	222
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	234
Jan. 17	Notice of hearing	303
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 782 By Fellman

Jan. 10	Read first time	223
Jan. 14	Referred to Committee on Judiciary	234
Jan. 15	Notice of hearing	268

Feb. 14	Placed on General File	653
Feb. 28	Amendments printed	879
Feb. 28	Bracketed	881
Mar. 7	Referred for review	1002
Mar. 8	Amendments printed	1019
Mar. 11	Placed on Select File	1055
Mar. 12	Referred for engrossment	1069
Mar. 13	Replaced on Select File	1116
Mar. 13	Referred for engrossment	1120
Mar. 18	Replaced on Select File	1139
Mar. 19	Referred for engrossment	1176
Mar. 20	Replaced on Select File	1234
Mar. 21	Referred for engrossment	1260
Mar. 21	Returned to Select File. Referred for engrossment	1261
Mar. 22	Replaced on Select File	1283
Mar. 22	Referred for engrossment	1289
Mar. 25	Correctly engrossed	1305
Apr. 2	Returned to Select File	1440
Apr. 2	Motions. Motions lost	1441
Apr. 3	Laid over	1493
Apr. 8	Readvanced to Final Reading	1538
Apr. 11	Final Reading	1643
Apr. 11	Correctly enrolled. President signed	1650
Apr. 11	Presented to Governor	1653
Apr. 18	Approved by Governor	1692

LEGISLATIVE BILL 783 By Cavanaugh, Fowler

Jan. 10	Read first time	224
Jan. 14	Referred to Committee on Education	234
Jan. 15	Re-referred to Committee on Miscellaneous Subjects	284
Jan. 24	Notice of hearing	386
Feb. 25	Placed on General File	783
Mar. 4	Bracketed	913
Mar. 11	Bracketed	1063
Mar. 25	Attorney General Opinion	1305
Mar. 28	Indefinitely postponed	1387
Mar. 28	Explanation of vote	1391
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 784 By Luedtke

Jan. 10	Read first time	224
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	234

CHRONOLOGY OF BILLS

1817

Jan. 17	Notice of hearing	303
Feb. 11	Placed on General File	588
Feb. 26	Referred for review	822
Mar. 4	Placed on Select File	899
Mar. 5	Referred for engrossment	927
Mar. 7	Correctly engrossed	1003
Mar. 11	Final Reading	1037
Mar. 12	Correctly enrolled. President signed	1075
Mar. 13	Presented to Governor	1112
Mar. 18	Approved by Governor	1135

LEGISLATIVE BILL 785 By Luedtke

Jan. 10	Read first time	224
Jan. 14	Referred to Committee on Judiciary	234
Jan. 15	Notice of hearing	268
Feb. 14	Placed on General File	654
Mar. 8	Bracketed	1025
Mar. 28	Amendment. Amendment lost	1391
Mar. 28	Referred for review	1397
Apr. 1	Placed on Select File	1418
Apr. 1	Referred for engrossment	1436
Apr. 2	Correctly engrossed	1449
Apr. 10	Final Reading	1625
Apr. 10	Correctly enrolled. President signed	1633
Apr. 11	Presented to Governor	1635
Apr. 11	Explanation of vote	1653
Apr. 18	Approved by Governor	1690

LEGISLATIVE BILL 786 By Moylan

Jan. 10	Read first time	224
Jan. 14	Referred to Committee on Nebraska Retirement Systems	234
Jan. 29	Notice of hearing	407
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 787 By Nebraska Retirement Systems Committee

Jan. 10	Read first time	224
Jan. 14	Referred to Committee on Nebraska Retirement Systems	234
Jan. 29	Notice of hearing	406
Feb. 25	Placed on General File	748
Mar. 28	Referred for review	1387
Mar. 28	Placed on Select File	1402

Mar. 28	Referred for engrossment	1406
Apr. 1	Correctly engrossed	1418
Apr. 10	Final Reading	1600
Apr. 10	Correctly enrolled. President signed. Presented to Governor	1602
Apr. 18	Approved by Governor	1690

LEGISLATIVE BILL 788 By Nebraska Retirement Systems Committee

Jan. 10	Read first time	225
Jan. 14	Referred to Committee on Nebraska Retirement Systems	234
Jan. 29	Notice of hearing	406
Feb. 25	Placed on General File	748
Feb. 28	Referred for review	888
Mar. 5	Placed on Select File	923
Mar. 6	Referred for engrossment	947
Mar. 6	Amendments printed	971
Mar. 7	Returned to Select File. Referred for engrossment	990
Mar. 8	Replaced on Select File	1010
Mar. 11	Referred for engrossment	1046
Mar. 13	Correctly engrossed	1112
Mar. 20	Final Reading	1204
Mar. 21	Correctly enrolled. President signed	1237
Mar. 21	Presented to Governor	1263
Mar. 26	Approved by Governor	1341

LEGISLATIVE BILL 789 By Nebraska Retirement Systems Committee

Jan. 10	Read first time	225
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	234
Jan. 17	Re-referred to Committee on Nebraska Retirement Systems	308
Jan. 29	Notice of hearing	406
Feb. 28	Placed on General File	884
Mar. 8	Referred for review	1022
Mar. 13	Placed on Select File	1129
Mar. 13	Referred for engrossment	1130
Mar. 18	Replaced on Select File	1140
Mar. 19	Referred for engrossment	1177
Mar. 21	Correctly engrossed	1237
Mar. 26	Final Reading	1332
Mar. 26	Correctly enrolled. Speaker signed	1343
Mar. 26	Presented to Governor	1350
Apr. 1	Approved by Governor	1409

LEGISLATIVE BILL 790 By C. Carsten

Jan. 10	Read first time	225
Jan. 14	Referred to Committee on Miscellaneous Subjects	234
Jan. 17	Notice of hearing	307
Jan. 21	Co-introducers added	329
Feb. 11	Placed on General File	589
Feb. 15	Referred for review	675
Feb. 19	Placed on Select File	731
Feb. 19	Referred for engrossment	734
Feb. 25	Replaced on Select File	746
Feb. 26	Referred for engrossment	810
Feb. 26	Motion. Returned to Select File. Referred for engrossment	811
Feb. 27	Replaced on Select File	830
Feb. 28	Referred for engrossment	872
Mar. 4	Correctly engrossed	901
Mar. 7	Explanation of vote	989
Mar. 19	Motion. Laid over	1189
Mar. 20	Referred for re-engrossment	1211
Mar. 21	Correctly re-engrossed	1237
Mar. 26	Final Reading	1333
Mar. 26	Correctly enrolled. Speaker signed	1343
Mar. 26	Presented to Governor	1350
Apr. 1	Approved by Governor	1409

LEGISLATIVE BILL 790A By C. Carsten, Epke

Mar. 6	Read first time. Placed on General File	957
Mar. 7	Change of order	1001
Mar. 7	Referred for review	1002
Mar. 8	Placed on Select File	1030
Mar. 11	Referred for engrossment	1059
Mar. 18	Correctly engrossed	1140
Mar. 26	Final Reading	1333
Mar. 26	Correctly enrolled. Speaker signed	1343
Mar. 26	Presented to Governor	1350
Apr. 1	Approved by Governor	1409

LEGISLATIVE BILL 791 By Luedtke

Jan. 10	Read first time	225
Jan. 14	Referred to Committee on Revenue	234
Jan. 15	Notice of hearing	283
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 792 By Marvel

Jan.	10	Read first time	225
Jan.	14	Referred to Committee on Appropriations	234
Jan.	29	Notice of hearing	431
Feb.	8	Placed on General File	564
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 793 By Whitney

Jan.	14	Read first time	234
Jan.	14	Referred to Committee on Judiciary	251
Jan.	18	Notice of hearing	325
Feb.	15	Indefinitely postponed	660

LEGISLATIVE BILL 794 By Whitney

Jan.	14	Read first time	234
Jan.	14	Referred to Committee on Constitutional Revision and Recreation	251
Jan.	15	Notice of hearing	269
Feb.	4	Placed on General File	499
Feb.	25	Referred for review	796
Feb.	28	Placed on Select File	883
Feb.	28	Referred for engrossment	886
Mar.	5	Correctly engrossed	922
Mar.	7	Final Reading	986
Mar.	7	Explanation of vote	989
Mar.	8	Correctly enrolled	1010
Mar.	8	President signed	1020
Mar.	8	Presented to Governor	1025
Mar.	18	Approved by Governor	1134

LEGISLATIVE BILL 795 By Richendifer

Jan.	14	Read first time	235
Jan.	14	Referred to Committee on Public Works	251
Jan.	15	Notice of hearing	295
Mar.	6	Placed on General File	955
Mar.	27	Motion. Motion lost	1359
Mar.	28	Motion. Motion lost	1397
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 796 By Richendifer

Jan.	14	Read first time	235
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	251

CHRONOLOGY OF BILLS

1821

Jan. 23	Notice of hearing	378
Feb. 11	Placed on General File	586
Feb. 26	Referred for review	822
Mar. 4	Placed on Select File	899
Mar. 5	Referred for engrossment	927
Mar. 7	Correctly engrossed	1003
Mar. 11	Final Reading	1038
Mar. 12	Correctly enrolled. President signed	1075
Mar. 13	Presented to Governor	1112
Mar. 18	Approved by Governor	1135

LEGISLATIVE BILL 797 By Richendifer

Jan. 14	Read first time	235
Jan. 14	Referred to Committee on Public Works	251
Jan. 15	Notice of hearing	295
Feb. 1	Indefinitely postponed	474

LEGISLATIVE BILL 798 By Stahmer

Jan. 14	Read first time	235
Jan. 14	Referred to Committee on Education	251
Jan. 18	Notice of hearing	325
Feb. 25	Indefinitely postponed	751

LEGISLATIVE BILL 799 By Stahmer

Jan. 14	Read first time	235
Jan. 14	Referred to Committee on Agriculture and Environment	251
Jan. 23	Notice of hearing	378
Mar. 7	Indefinitely postponed	1001

LEGISLATIVE BILL 800 By Snyder

Jan. 14	Read first time	235
Jan. 14	Referred to Committee on Constitutional Revision and Recreation	251
Jan. 21	Notice of hearing	350
Feb. 27	Indefinitely postponed	860

LEGISLATIVE BILL 801 By Keyes

Jan. 14	Read first time	236
Jan. 14	Referred to Committee on Nebraska Retirement Systems	251

Jan. 29	Notice of hearing	406
Mar. 5	Motion. Motion lost. Indefinitely postponed	934

LEGISLATIVE BILL 802 By Keyes

Jan. 14	Read first time	236
Jan. 14	Referred to Committee on Agriculture and Environment	251
Jan. 18	Notice of hearing	316
Feb. 26	Indefinitely postponed	817
Mar. 7	Motion. Placed on General File	1003
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 802A By Keyes

Mar. 18	Read first time. Placed on General File	1151
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 803 By Carpenter

Jan. 14	Read first time	236
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	251
Feb. 1	Notice of hearing	478
Feb. 18	Amendment printed	682
Mar. 4	Indefinitely postponed	902
Mar. 7	Motion. Motion pending. Laid over	990
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 804 By Clark

Jan. 14	Read first time	236
Jan. 14	Referred to Committee on Revenue	251
Jan. 15	Notice of hearing	283
Jan. 31	Placed on General File	456
Feb. 15	Referred for review	668
Feb. 19	Placed on Select File	729
Feb. 19	Referred for engrossment	733
Feb. 25	Correctly engrossed	747
Feb. 27	Final Reading	846
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 805 By Public Works Committee

Jan. 14	Read first time	236
Jan. 14	Referred to Committee on Public Works	251
Jan. 15	Notice of hearing	296
Feb. 8	Placed on General File	577
Feb. 26	Referred for review	821
Mar. 4	Placed on Select File	899
Mar. 5	Referred for engrossment	927
Mar. 7	Bracketed	990
Mar. 22	Unbracketed. Motion. Returned to Select File. Referred for engrossment	1284
Mar. 22	Replaced on Select File	1291
Mar. 22	Referred for engrossment	1298
Mar. 25	Replaced on Select File	1302
Mar. 25	Referred for engrossment	1311
Mar. 26	Correctly engrossed	1329
Apr. 10	Final Reading	1622
Apr. 10	Correctly enrolled. President signed	1628
Apr. 11	Presented to Governor	1635
Apr. 11	Explanation of vote	1653
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 806 By C. Carsten

Jan. 14	Read first time	236
Jan. 14	Referred to Committee on Public Works	251
Jan. 15	Notice of hearing	295
Jan. 29	Placed on General File	405
Feb. 1	Referred for review	477
Feb. 5	Placed on Select File	502
Feb. 6	Referred for engrossment	519
Feb. 8	Correctly engrossed	577
Feb. 13	Final Reading	621
Feb. 14	Correctly enrolled. President signed	635
Feb. 15	Presented to Governor	664
Feb. 25	Approved by Governor	741

LEGISLATIVE BILL 807 By Kelly

Jan. 14	Read first time	236
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	251
Jan. 15	Re-referred to Committee on Labor	284
Jan. 29	Notice of hearing	417
Feb. 25	Placed on General File	749

Feb. 28	Referred for review	889
Mar. 5	Placed on Select File	924
Mar. 6	Referred for engrossment	948
Mar. 8	Correctly engrossed	1018
Mar. 13	Final Reading	1099
Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Approved by Governor	1234

LEGISLATIVE BILL 808 By Kelly

Jan. 14	Read first time	237
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	251
Jan. 15	Re-referred to Committee on Labor	284
Jan. 29	Notice of hearing	417
Feb. 25	Placed on General File	749
Feb. 28	Referred for review	889
Mar. 12	Placed on Select File	1066
Mar. 13	Referred for engrossment	1119
Mar. 18	Correctly engrossed	1140
Mar. 21	Final Reading	1245
Mar. 21	Correctly enrolled	1254
Mar. 21	President signed	1255
Mar. 21	Presented to Governor	1263
Mar. 25	Approved by Governor	1316

LEGISLATIVE BILL 809 By Savage

Jan. 14	Read first time	237
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	251
Jan. 17	Notice of hearing	303
Feb. 7	Indefinitely postponed	531

LEGISLATIVE BILL 810 By Stahmer

Jan. 14	Read first time	237
Jan. 14	Referred to Committee on Education	251
Jan. 18	Notice of hearing	325
Mar. 6	Placed on General File	966
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 811 By Chambers

Jan. 14	Read first time	237
Jan. 14	Referred to Committee on Government, Military and Veterans Affairs	251

CHRONOLOGY OF BILLS

1825

Jan. 23	Notice of hearing	378
Jan. 29	Amendments printed	408
Feb. 7	Placed on General File	532
Feb. 15	Referred for review	674
Feb. 19	Placed on Select File	730
Feb. 19	Referred for engrossment	734
Feb. 25	Replaced on Select File	746
Feb. 26	Referred for engrossment	810
Feb. 28	Correctly engrossed	863
Mar. 6	Final Reading	945
Mar. 7	Correctly enrolled	974
Mar. 8	President signed	1020
Mar. 8	Presented to Governor	1025
Mar. 18	Approved by Governor	1134

LEGISLATIVE BILL 812 By Chambers

Jan. 14	Read first time	237
Jan. 14	Referred to Committee on Government, Military and Veterans Affairs	251
Jan. 30	Notice of hearing	449
Feb. 26	Placed on General File	822
Feb. 28	Referred for review	890
Mar. 5	Placed on Select File	924
Mar. 6	Referred for engrossment	948
Mar. 8	Replaced on Select File	1026
Mar. 11	Referred for engrossment	1047
Mar. 18	Correctly engrossed	1140
Mar. 21	Final Reading	1246
Mar. 21	Correctly enrolled	1254
Mar. 21	President signed	1255
Mar. 21	Presented to Governor	1263
Mar. 25	Approved by Governor	1316

LEGISLATIVE BILL 813 By Simpson

Jan. 14	Read first time	237
Jan. 14	Referred to Committee on Education	251
Jan. 18	Notice of hearing	325
Feb. 14	Placed on General File	651
Feb. 15	Referred for review	674
Feb. 18	Motion. Returned to General File	694
Feb. 19	Motion. Motion lost. Referred for review	723
Feb. 25	Placed on Select File	746
Feb. 26	Laid over	810
Feb. 27	Referred for engrossment	854

Mar. 4	Replaced on Select File	897
Mar. 5	Referred for engrossment	925
Mar. 6	Correctly engrossed	951
Mar. 11	Final Reading	1036
Mar. 12	Correctly enrolled. President signed	1075
Mar. 13	Presented to Governor	1112
Mar. 18	Approved by Governor	1135

LEGISLATIVE BILL 814 By Simpson

Jan. 14	Read first time	238
Jan. 14	Referred to Committee on Judiciary	251
Jan. 22	Notice of hearing	368
Feb. 15	Placed on General File	670
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 815 By Goodrich

Jan. 14	Read first time	238
Jan. 14	Referred to Committee on Miscellaneous Subjects	251
Jan. 24	Notice of hearing	386
Feb. 12	Placed on General File	616
Feb. 19	Attorney General Opinion	735
Feb. 28	Bracketed	881
Mar. 4	Referred for review	915
Mar. 7	Placed on Select File	973
Mar. 8	Referred for engrossment	1011
Mar. 12	Replaced on Select File	1066
Mar. 13	Referred for engrossment	1119
Mar. 18	Correctly engrossed	1140
Mar. 21	Final Reading	1246
Mar. 21	Correctly enrolled	1254
Mar. 21	President signed	1255
Mar. 21	Presented to Governor	1263
Mar. 27	Approved by Governor	1354

LEGISLATIVE BILL 816 By Marsh

Jan. 14	Read first time	238
Jan. 14	Referred to Committee on Public Health and Welfare	251
Jan. 17	Notice of hearing	300
Mar. 7	Indefinitely postponed	1000

LEGISLATIVE BILL 817 By Murphy

Jan. 14	Read first time	245
Jan. 14	Referred to Committee on Miscellaneous Subjects	251
Jan. 24	Notice of hearing	386
Feb. 19	Placed on General File	721
Mar. 22	Attorney General Opinion	1292
Apr. 3	Indefinitely postponed	1471

LEGISLATIVE BILL 818 By Skarda

Jan. 14	Read first time	246
Jan. 14	Referred to Committee on Miscellaneous Subjects	251
Jan. 17	Notice of hearing	307
Feb. 8	Placed on General File	576
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 819 By F. Lewis

Jan. 14	Read first time	246
Jan. 14	Referred to Committee on Judiciary	251
Feb. 7	Re-referred to Committee on Labor	543
Feb. 8	Re-referred to Committee on Government, Military and Veterans Affairs. Notice of hearing	560
Mar. 20	Placed on General File	1227
Mar. 25	Placed on General File, corrected	1308
Apr. 3	Referred for review	1487
Apr. 8	Placed on Select File	1513
Apr. 8	Referred for engrossment	1521
Apr. 8	Correctly engrossed	1541
Apr. 11	Final Reading	1643
Apr. 11	Correctly enrolled. President signed	1650
Apr. 11	Presented to Governor	1653
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 820 By Duis

Jan. 14	Read first time	246
Jan. 14	Referred to Committee on Revenue	251
Jan. 15	Notice of hearing	284
Mar. 6	Placed on General File	957
Apr. 3	Referred for review	1477
Apr. 8	Placed on Select File	1510

Apr. 8	Referred for engrossment	1526
Apr. 8	Replaced on Select File	1541
Apr. 8	Referred for engrossment. Correctly engrossed . . .	1542
Apr. 11	Final Reading	1644
Apr. 11	Correctly enrolled. President signed	1650
Apr. 11	Presented to Governor	1653
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 821 By Dickinson

Jan. 14	Read first time	246
Jan. 14	Referred to Committee on Public Works	251
Jan. 15	Co-introducer added	267
Jan. 15	Notice of hearing	295
Feb. 7	Placed on General File	544
Feb. 28	Referred for review	891
Mar. 6	Placed on Select File	953
Mar. 7	Referred for engrossment	990
Mar. 13	Amendment printed	1125
Mar. 18	Correctly engrossed	1140
Mar. 20	Amendment withdrawn	1212
Mar. 21	Motion. Returned to Select File	1247
Mar. 21	Referred for re-engrossment. Motion. returned to Select File. Referred for re-engrossment	1260
Mar. 22	Replaced on Select File	1283
Mar. 22	Referred for re-engrossment	1289
Mar. 25	Correctly re-engrossed	1305
Apr. 10	Final Reading	1618
Apr. 10	Correctly enrolled. President signed	1624
Apr. 10	Presented to Governor	1633
Apr. 11	Explanation of vote	1653
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 822 By Hasebrook

Jan. 14	Read first time	246
Jan. 14	Referred to Committee on Public Works	251
Jan. 15	Notice of hearing	295
Feb. 4	Placed on General File	496
Feb. 25	Referred for review	788
Feb. 27	Placed on Select File	853
Feb. 28	Referred for engrossment	873
Mar. 4	Correctly engrossed	901
Mar. 5	Motion. Returned to Select File. Bracketed	929

CHRONOLOGY OF BILLS

1829

Mar. 6	Unbracketed. Referred for re-engrossment	949
Mar. 7	Correctly engrossed	974
Mar. 11	Final Reading	1039
Mar. 12	Correctly enrolled. President signed	1075
Mar. 13	Presented to Governor	1112
Mar. 18	Approved by Governor	1135

LEGISLATIVE BILL 823 By F. Lewis

Jan. 14	Read first time	246
Jan. 14	Referred to Committee on Government, Military and Veterans Affairs	251
Jan. 30	Notice of hearing	449
Feb. 26	Placed on General File	822
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 824 By Fowler

Jan. 14	Read first time	247
Jan. 14	Referred to Committee on Appropriations	251
Jan. 29	Notice of hearing	431
Feb. 8	Placed on General File	564
Feb. 26	Referred for review	821
Mar. 4	Placed on Select File	899
Mar. 5	Referred for engrossment	927
Mar. 7	Replaced on Select File	992
Mar. 8	Referred for engrossment	1012
Mar. 8	Correctly engrossed	1079
Mar. 19	Final Reading	1170
Mar. 20	Correctly enrolled. President signed	1203
Mar. 21	Presented to Governor	1237
Mar. 25	Approved by Governor	1301

LEGISLATIVE BILL 825 By Fowler

Jan. 14	Read first time	247
Jan. 14	Referred to Committee on Revenue	251
Jan. 15	Notice of hearing	284
Feb. 12	Placed on General File	616
Apr. 3	Referred for review	1469
Apr. 3	Placed on Select File	1483
Apr. 3	Referred for engrossment	1486
Apr. 8	Correctly engrossed	1516
Apr. 11	Final Reading	1645
Apr. 11	Correctly enrolled. President signed	1650
Apr. 11	Presented to Governor	1653
Apr. 18	Approved by Governor	1692

LEGISLATIVE BILL 826 By Burbach

Jan. 14	Read first time	247
Jan. 14	Referred to Committee on Public Works	251
Jan. 15	Notice of hearing	295
Feb. 6	Placed on General File	521
Feb. 26	Referred for review	820
Mar. 4	Placed on Select File	899
Mar. 5	Referred for engrossment	926
Mar. 7	Replaced on Select File	992
Mar. 8	Referred for engrossment	1012
Mar. 12	Correctly engrossed	1079
Mar. 21	Motion. Returned to Select File	1260
Mar. 21	Referred for re-engrossment	1261
Mar. 25	Correctly re-engrossed	1317
Mar. 26	Motion. Returned to Select File	1339
Mar. 26	Referred for re-engrossment	1340
Mar. 26	Replaced on Select File	1347
Mar. 26	Referred for re-engrossment	1348
Mar. 27	Correctly re-engrossed	1355
Apr. 10	Final Reading	1609
Apr. 10	Correctly enrolled. President signed	1618
Apr. 10	Presented to Governor	1624
Apr. 11	Explanation of vote	1653
Apr. 18	Returned by Governor without approval	1696
Apr. 18	Letter	1701

LEGISLATIVE BILL 826A By Burbach

Mar. 4	Read first time. Placed on General File	905
Mar. 5	Referred for review	940
Mar. 7	Placed on Select File	996
Mar. 8	Referred for engrossment	1014
Mar. 12	Correctly engrossed	1079
Mar. 18	Motion. Returned to Select File	1154
Mar. 18	Referred for re-engrossment	1155
Mar. 19	Replaced on Select File	1186
Mar. 20	Referred for re-engrossment	1211
Mar. 21	Correctly engrossed	1254
Apr. 10	Final Reading	1610
Apr. 10	Correctly enrolled. President signed	1618
Apr. 10	Presented to Governor	1624
Apr. 11	Explanation of vote	1653
Apr. 18	Returned by Governor without approval	1696
Apr. 18	Letter	1701

LEGISLATIVE BILL 827 By Moylan

Jan. 14	Read first time	247
Jan. 14	Referred to Committee on Public Works	251
Jan. 15	Notice of hearing	295
Jan. 29	Placed on General File	405
Feb. 1	Bracketed	477
Feb. 7	Referred for review	541
Feb. 11	Placed on Select File	586
Feb. 12	Referred for engrossment	613
Feb. 14	Correctly engrossed	635
Feb. 19	Motion. Returned to Select File	716
Feb. 19	Amendment lost	717
Feb. 25	Motion. Readvanced to Final Reading	755
Feb. 27	Final Reading	847
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 5	Approved by Governor	921

LEGISLATIVE BILL 828 By Judiciary Committee

Jan. 14	Read first time	247
Jan. 14	Referred to Committee on Judiciary	251
Jan. 22	Notice of hearing	368
Feb. 1	Placed on General File	481
Feb. 25	Referred for review	788
Feb. 27	Placed on Select File	852
Feb. 28	Referred for engrossment	873
Mar. 4	Correctly engrossed	901
Mar. 7	Final Reading	981
Mar. 7	Explanation of vote	989
Mar. 8	Correctly enrolled	1010
Mar. 8	President signed	1020
Mar. 8	Presented to Governor	1025
Mar. 18	Approved by Governor	1134

LEGISLATIVE BILL 829 By Judiciary Committee

Jan. 14	Read first time	247
Jan. 14	Referred to Committee on Judiciary	251
Jan. 22	Notice of hearing	368
Feb. 1	Placed on General File	481
Feb. 25	Referred for review	788
Feb. 27	Placed on Select File	853
Feb. 28	Referred for engrossment	873
Mar. 4	Replaced on Select File	897

Mar. 5	Referred for engrossment	925
Mar. 6	Correctly engrossed	951
Mar. 11	Final Reading	1036
Mar. 12	Correctly enrolled. President signed	1075
Mar. 13	Presented to Governor	1112
Mar. 18	Approved by Governor	1135

LEGISLATIVE BILL 830 By Warner

Jan. 14	Read first time	248
Jan. 14	Referred to Committee on Agriculture and Environment	251
Jan. 23	Notice of hearing	378
Feb. 4	Indefinitely postponed	496

LEGISLATIVE BILL 831 By Warner

Jan. 14	Read first time	248
Jan. 14	Referred to Committee on Revenue	251
Jan. 15	Notice of hearing	284
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 832 By F. Carstens

Jan. 14	Read first time	248
Jan. 14	Referred to Committee on Judiciary	251
Jan. 22	Notice of hearing	368
Feb. 15	Placed on General File	660
Feb. 26	Referred for review	826
Mar. 4	Placed on Select File	900
Mar. 5	Referred for engrossment	929
Mar. 7	Replaced on Select File	993
Mar. 8	Referred for engrossment	1013
Mar. 12	Correctly engrossed	1079
Mar. 19	Final Reading	1171
Mar. 20	Correctly enrolled. President signed	1203
Mar. 21	Presented to Governor	1237
Mar. 25	Approved by Governor	1301

LEGISLATIVE BILL 833 By Stromer

Jan. 14	Read first time	248
Jan. 14	Referred to Committee on Public Works	251
Jan. 15	Notice of hearing	295
Feb. 4	Placed on General File	493
Feb. 25	Referred for review	788

CHRONOLOGY OF BILLS

1833

Feb. 27	Placed on Select File	853
Feb. 28	Referred for engrossment	873
Mar. 4	Correctly engrossed	901
Mar. 7	Final Reading	981
Mar. 7	Explanation of vote	989
Mar. 8	Correctly enrolled	1010
Mar. 8	President signed	1020
Mar. 8	Presented to Governor	1025
Mar. 18	Approved by Governor	1134

LEGISLATIVE BILL 834 By Schmit

Jan. 14	Read first time	248
Jan. 14	Referred to Committee on Public Health and Welfare	251
Jan. 15	Notice of hearing	269
Feb. 8	Placed on General File	565
Mar. 22	Motion. Motion prevailed	1285
Mar. 22	Motion. Motion prevailed	1286
Mar. 22	Referred for review	1289
Mar. 22	Expedited	1290
Mar. 25	Placed on Select File	1302
Mar. 25	Laid over	1311
Mar. 26	Referred for engrossment	1347
Mar. 27	Correctly engrossed	1355
Apr. 10	Final Reading	1611
Apr. 10	Correctly enrolled. President signed	1618
Apr. 10	Presented to Governor	1624
Apr. 11	Explanation of vote	1653
Apr. 18	Approved by Governor	1690

LEGISLATIVE BILL 834A By Schmit

Mar. 18	Read first time. Placed on General File	1157
Mar. 22	Referred for review. Expedited	1290
Mar. 25	Placed on Select File	1303
Mar. 25	Laid over	1311
Mar. 26	Referred for engrossment	1340
Mar. 27	Correctly engrossed	1355
Apr. 10	Final Reading	1611
Apr. 10	Correctly enrolled. President signed	1618
Apr. 10	Presented to Governor	1624
Apr. 11	Explanation of vote	1653
Apr. 18	Approved by Governor	1690

LEGISLATIVE BILL 835 By Schmit

Jan. 14	Read first time	248
Jan. 14	Referred to Committee on Miscellaneous Subjects	251
Jan. 24	Notice of hearing	386
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 836 By Schmit

Jan. 14	Read first time	248
Jan. 14	Referred to Committee on Public Works	251
Jan. 15	Notice of hearing	296
Apr. 1	Placed on General File	1418
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 837 By Schmit

Jan. 14	Read first time	249
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	251
Jan. 17	Notice of hearing	303
Feb. 1	Notice of hearing reset	478
Feb. 18	Indefinitely postponed	678

LEGISLATIVE BILL 838 By Goodrich

Jan. 14	Read first time	249
Jan. 14	Referred to Committee on Education	251
Jan. 18	Notice of hearing	325
Feb. 25	Indefinitely postponed	751

LEGISLATIVE BILL 839 By Goodrich

Jan. 14	Read first time	249
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	251
Jan. 17	Re-referred to Committee on Nebraska Retirement Systems	308
Jan. 29	Notice of hearing	406
Mar. 4	Placed on General File	911
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 840 By Johnson

Jan. 14	Read first time	249
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	251

CHRONOLOGY OF BILLS

1835

Jan. 17	Notice of hearing	303
Mar. 4	Placed on General File	902
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 841 By Simpson

Jan. 14	Read first time	249
Jan. 15	Referred to Committee on Nebraska Retirement Systems	284
Jan. 29	Notice of hearing	407
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 842 By Simpson

Jan. 14	Read first time	249
Jan. 15	Referred to Committee on Government, Military and Veterans Affairs	284
Jan. 30	Notice of hearing	449
Feb. 28	Placed on General File	881
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 843 By F. Lewis

Jan. 14	Read first time	249
Jan. 15	Referred to Committee on Labor	284
Feb. 1	Notice of hearing	479
Feb. 6	Notice of hearing, cancelled. Notice of hearing, reset	527
Feb. 7	Notice of hearing, cancelled. Notice of hearing, reset	550
Feb. 25	Indefinitely postponed	749
Feb. 25	Motion. Motion pending	769
Mar. 4	Motion renewed. Motion lost	913
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 844 By Fellman

Jan. 14	Read first time	250
Jan. 15	Referred to Committee on Banking, Commerce and Insurance	284
Feb. 1	Notice of hearing	478
Mar. 4	Indefinitely postponed	902

LEGISLATIVE BILL 845 By Fellman

Jan.	14	Read first time	250
Jan.	15	Referred to Committee on Banking, Commerce and Insurance	284
Feb.	1	Notice of hearing	478
Feb.	25	Placed on General File	784
Feb.	28	Amendments printed	881
Apr.	3	Referred for review	1477
Apr.	8	Placed on Select File	1510
Apr.	8	Referred for engrossment	1521
Apr.	8	Correctly engrossed	1541
Apr.	11	Final Reading	1646
Apr.	11	Correctly enrolled. President signed	1650
Apr.	11	Presented to Governor	1653
Apr.	18	Approved by Governor	1691

LEGISLATIVE BILL 846 By Fellman

Jan.	14	Read first time	250
Jan.	15	Referred to Committee on Constitutional Revision and Recreation	284
Jan.	21	Notice of hearing	350
Feb.	18	Indefinitely postponed	697

LEGISLATIVE BILL 847 By Fellman

Jan.	14	Read first time	250
Jan.	15	Referred to Committee on Education	284
Jan.	18	Notice of hearing	325
Feb.	25	Indefinitely postponed	751

LEGISLATIVE BILL 848 By Snyder

Jan.	14	Read first time	250
Jan.	15	Referred to Committee on Banking, Commerce and Insurance	284
Jan.	18	Notice of hearing	320
Jan.	24	Notice of hearing, cancelled. Notice of hearing, reset	392
Feb.	11	Placed on General File	588
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 849 By Barnett

Jan. 14	Read first time	250
Jan. 15	Referred to Committee on Education	284
Jan. 18	Notice of hearing	325
Mar. 5	Indefinitely postponed	937

LEGISLATIVE BILL 850 By DeCamp

Jan. 14	Read first time	251
Jan. 15	Referred to Committee on Public Works	284
Jan. 18	Notice of hearing	320
Mar. 6	Placed on General File	966
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 851 By DeCamp

Jan. 14	Read first time	251
Jan. 15	Referred to Committee on Banking, Commerce and Insurance	284
Jan. 17	Notice of hearing	303
Jan. 31	Placed on General File	464
Feb. 11	Bracketed	592
Mar. 12	Unbracketed	1080
Mar. 28	Motions. Motions lost	1389
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 852 By Kremer

Jan. 15	Read first time	254
Jan. 15	Referred to Committee on Education	284
Jan. 18	Notice of hearing	325
Feb. 14	Placed on General File	652
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 853 By Kremer

Jan. 15	Read first time	254
Jan. 15	Referred to Committee on Education	284
Jan. 18	Notice of hearing	325
Mar. 6	Placed on General File	954
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 854 By Kremer

Jan.	15	Read first time	254
Jan.	15	Referred to Committee on Public Health and Welfare	284
Jan.	17	Notice of hearing	300
Feb.	8	Indefinitely postponed	565

LEGISLATIVE BILL 855 By Richendifer

Jan.	15	Read first time	254
Jan.	15	Referred to Committee on Government, Military and Veterans Affairs	284
Jan.	23	Notice of hearing	387
Feb.	4	Placed on General File	499
Feb.	25	Referred for review	796
Feb.	28	Placed on Select File	863
Feb.	28	Referred for engrossment	886
Mar.	4	Correctly engrossed	918
Mar.	7	Final Reading	982
Mar.	7	Explanation of vote	989
Mar.	8	Correctly enrolled	1010
Mar.	8	President signed	1020
Mar.	8	Presented to Governor	1025
Mar.	18	Returned by Governor without approval	1134
Mar.	18	Motion. Motion lost	1143
Mar.	18	Motion. Laid over	1151
Mar.	20	Motion renewed. Motion prevailed	1218
Mar.	20	Letter	1220
Mar.	20	Certificate	1221

LEGISLATIVE BILL 856 By Richendifer

Jan.	15	Read first time	254
Jan.	15	Referred to Committee on Education	284
Jan.	18	Notice of hearing	325
Jan.	23	Amendments printed	377
Mar.	11	Indefinitely postponed	1062
Mar.	13	Motion. Laid over	1122
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 857 By Waldron

Jan. 15	Read first time	254
Jan. 15	Referred to Committee on Education	284
Jan. 18	Notice of hearing	325
Feb. 25	Placed on General File	783
Feb. 27	Laid over	859
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 858 By Waldron

Jan. 15	Read first time	254
Jan. 15	Referred to Committee on Agriculture and Environment	284
Jan. 23	Notice of hearing	378
Feb. 13	Placed on General File	619
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 859 By Kennedy

Jan. 15	Read first time	255
Jan. 15	Referred to Committee on Public Health and Welfare	284
Jan. 18	Notice of hearing	320
Feb. 5	Indefinitely postponed	505

LEGISLATIVE BILL 860 By Marsh

Jan. 15	Read first time	255
Jan. 15	Referred to Committee on Agriculture and Environment	284
Jan. 23	Notice of hearing	378
Feb. 4	Indefinitely postponed	496

LEGISLATIVE BILL 861 By Marsh

Jan. 15	Read first time	255
Jan. 15	Referred to Committee on Labor	284
Jan. 29	Notice of hearing	417
Feb. 7	Notice of hearing, cancelled. Notice of hearing, reset	549
Feb. 25	Placed on General File	749

Mar. 8	Referred for review	1022
Mar. 13	Placed on Select File	1116
Mar. 13	Referred for engrossment	1121
Mar. 18	Replaced on Select File	1139
Mar. 18	Amendments printed	1159
Mar. 19	Referred for engrossment	1176
Mar. 19	Returned to Select File. Referred for engrossment	1179
Mar. 20	Replaced on Select File	1216
Mar. 21	Referred for engrossment	1260
Mar. 22	Replaced on Select File	1291
Mar. 22	Referred for engrossment	1298
Mar. 25	Correctly engrossed	1305
Apr. 10	Final Reading	1614
Apr. 10	Correctly enrolled	1620
Apr. 10	President signed	1621
Apr. 10	Presented to Governor	1624
Apr. 11	Explanation of vote	1653
Apr. 18	Returned by Governor without approval	1689

LEGISLATIVE BILL 861A By Marsh

Mar. 19	Read first time. Placed on General File	1187
Mar. 28	Referred for review	1387
Mar. 28	Placed on Select File	1403
Mar. 28	Referred for engrossment	1406
Apr. 1	Correctly engrossed	1418
Apr. 10	Final Reading	1615
Apr. 10	Correctly enrolled	1620
Apr. 10	President signed	1621
Apr. 10	Presented to Governor	1624
Apr. 18	Returned by Governor without approval	1689

LEGISLATIVE BILL 862 By Stromer

Jan. 15	Read first time	255
Jan. 15	Referred to Committee on Education	284
Jan. 18	Notice of hearing	325
Feb. 13	Indefinitely postponed	630

LEGISLATIVE BILL 863 By Anderson

Jan. 15	Read first time	260
Jan. 15	Referred to Committee on Education	284

CHRONOLOGY OF BILLS

1841

Jan. 18	Notice of hearing	325
Feb. 12	Attorney General Opinion	596
Mar. 11	Placed on General File	1047
Apr. 3	Referred for review	1480
Apr. 8	Placed on Select File	1510
Apr. 8	Referred for engrossment	1527
Apr. 9	Replaced on Select File	1562
Apr. 9	Referred for engrossment	1566
Apr. 9	Correctly engrossed	1570
Apr. 11	Final Reading	1664
Apr. 11	Correctly enrolled	1666
Apr. 11	President signed	1667
Apr. 11	Presented to Governor	1673
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 864 By Anderson

Jan. 15	Read first time	260
Jan. 15	Referred to Committee on Government, Military and Veterans Affairs	284
Jan. 23	Notice of hearing	378
Feb. 4	Placed on General File	499
Feb. 25	Referred for review	796
Feb. 28	Placed on Select File	883
Feb. 28	Referred for engrossment	886
Mar. 5	Replaced on Select File	922
Mar. 6	Referred for engrossment	946
Mar. 8	Correctly engrossed	1018
Mar. 13	Final Reading	1099
Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Approved by Governor	1234

LEGISLATIVE BILL 865 By Anderson

Jan. 15	Read first time	260
Jan. 15	Referred to Committee on Constitutional Revision and Recreation	284
Jan. 22	Notice of hearing	368
Feb. 18	Placed on General File	697
Feb. 27	Referred for review	856
Mar. 5	Placed on Select File	923

Mar. 6	Bracketed	947
Mar. 11	Unbracketed. Referred for engrossment	1060
Mar. 13	Replaced on Select File	1115
Mar. 13	Referred for engrossment	1120
Mar. 18	Correctly engrossed	1140
Mar. 21	Final Reading	1247
Mar. 21	Correctly enrolled	1254
Mar. 21	President signed	1255
Mar. 21	Presented to Governor	1263
Mar. 26	Approved by Governor	1341

LEGISLATIVE BILL 865A By Anderson

Mar. 6	Read first time. Placed on General File	962
Mar. 7	Change of order	1001
Mar. 7	Referred for review	1002
Mar. 8	Placed on Select File	1030
Mar. 11	Referred for engrossment	1059
Mar. 18	Correctly engrossed	1140
Mar. 21	Laid over	1250
Mar. 22	Final Reading	1276
Mar. 22	Correctly enrolled. President signed	1284
Mar. 22	Presented to Governor	1286
Mar. 25	Explanation of vote	1301
Mar. 26	Approved by Governor	1341

LEGISLATIVE BILL 866 By Anderson

Jan. 15	Read first time	260
Jan. 15	Referred to Committee on Public Health and Welfare	284
Jan. 18	Notice of hearing	320
Feb. 8	Placed on General File	577
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 867 By Anderson

Jan. 15	Read first time	260
Jan. 15	Referred to Committee on Judiciary	284
Jan. 22	Notice of hearing	368
Mar. 18	Placed on General File	1144
Mar. 22	Attorney General Opinion	1287
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 868 By Judiciary Committee

Jan. 15	Read first time	260
Jan. 15	Referred to Committee on Miscellaneous Subjects	284
Jan. 24	Notice of hearing	386
Feb. 8	Placed on General File	576
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 869 By Keyes

Jan. 15	Read first time	261
Jan. 15	Referred to Committee on Revenue	284
Jan. 17	Notice of hearing	300
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 870 By F. Lewis

Jan. 15	Read first time	261
Jan. 15	Referred to Committee on Miscellaneous Subjects	284
Jan. 17	Notice of hearing	307
Feb. 12	Amendment printed	595
Feb. 12	Placed on General File	616
Feb. 27	Amendments printed	860
Feb. 28	Bracketed	880
Mar. 8	Laid over	1014
Mar. 12	Motion. Indefinitely postponed	1090
Mar. 13	Motion. Motion pending. Laid over	1121
Mar. 21	Motion renewed. Motion lost	1262
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 871 By Maresh

Jan. 15	Read first time	261
Jan. 15	Referred to Committee on Public Works	285
Jan. 18	Notice of hearing	320
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 872 By Fowler

Jan. 15	Read first time	261
Jan. 15	Referred to Committee on Nebraska Retirement Systems	285

Jan.	17	Re-referred to Committee on Government, Military and Veterans Affairs	308
Feb.	5	Notice of hearing	507
Mar.	20	Placed on General File	1229
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 873 By Public Works Committee, at request of Governor

Jan.	15	Read first time	261
Jan.	15	Referred to Committee on Public Works	285
Jan.	15	Notice of hearing	295
Feb.	8	Placed on General File	569
Feb.	18	Change of order	692
Feb.	25	Referred for review. Expedited	769
Feb.	25	Placed on Select File	792
Feb.	25	Referred for engrossment	793
Feb.	26	Replaced on Select File	812
Feb.	26	Referred for engrossment	813
Feb.	26	Correctly engrossed	822
Feb.	28	Final Reading	866
Feb.	28	Correctly enrolled. President signed	871
Feb.	28	Presented to Governor	876
Mar.	4	Approved by Governor	895
Mar.	4	Explanation of vote	911

LEGISLATIVE BILL 874 By Public Health and Welfare Committee

Jan.	15	Read first time	261
Jan.	15	Referred to Committee on Public Health and Welfare	285
Jan.	24	Motion. Motion pending	387
Jan.	30	Withdrawn	442

LEGISLATIVE BILL 875 By Urban Affairs Committee

Jan.	15	Read first time	272
Jan.	15	Referred to Committee on Urban Affairs	285
Jan.	22	Notice of hearing	358
Feb.	7	Placed on General File	548
Feb.	12	Attorney General Opinion	598
Feb.	26	Referred for review	821
Mar.	4	Placed on Select File	899
Mar.	5	Bracketed	927
Mar.	28	Unbracketed. Amendment pending	1406
Apr.	1	Amendment withdrawn. Amendment adopted ...	1425
Apr.	2	Motion. Motion lost. Laid over	1448

CHRONOLOGY OF BILLS

1845

Apr. 3	Amendments printed	1485
Apr. 3	Referred for engrossment	1492
Apr. 8	Replaced on Select File	1502
Apr. 8	Referred for engrossment	1517
Apr. 8	Correctly engrossed	1518
Apr. 10	Final Reading	1604
Apr. 10	Correctly enrolled	1612
Apr. 10	President signed	1613
Apr. 10	Presented to Governor	1624
Apr. 18	Approved by Governor	1692

LEGISLATIVE BILL 875A By Urban Affairs Committee

Mar. 8	Read first time. Placed on General File	1025
Mar. 12	Bracketed	1088
Apr. 3	Unbracketed. Referred for review	1467
Apr. 3	Placed on Select File	1483
Apr. 3	Amendment printed	1485
Apr. 3	Laid over	1486
Apr. 3	Referred for engrossment	1492
Apr. 8	Replaced on Select File	1503
Apr. 8	Referred for engrossment	1517
Apr. 8	Correctly engrossed	1518
Apr. 10	Final Reading	1605
Apr. 10	Reconsidered	1606
Apr. 10	Correctly enrolled	1612
Apr. 10	President signed	1613
Apr. 10	Presented to Governor	1624
Apr. 18	Approved by Governor	1692

LEGISLATIVE BILL 876 By Warner

Jan. 15	Read first time	273
Jan. 15	Referred to Committee on Public Works	285
Jan. 18	Notice of hearing	320
Feb. 25	Placed on General File	751
Mar. 8	Referred for review	1021
Mar. 13	Placed on Select File	1116
Mar. 13	Referred for engrossment	1120
Mar. 19	Correctly engrossed	1177
Mar. 22	Final Reading	1277
Mar. 22	Correctly enrolled. President signed	1284
Mar. 22	Presented to Governor	1286
Mar. 25	Explanation of vote	1301
Mar. 26	Approved by Governor	1341

LEGISLATIVE BILL 877 By Warner

Jan. 15	Read first time	273
Jan. 15	Referred to Committee on Public Works	285
Jan. 18	Notice of hearing	320
Feb. 19	Placed on General File	712
Feb. 28	Considered	886
Feb. 28	Referred for review	887
Mar. 8	Placed on Select File	1027
Mar. 11	Laid over	1056
Mar. 12	Referred for engrossment	1068
Mar. 12	Returned to Select File	1071
Mar. 12	Referred for engrossment	1072
Mar. 12	Returned to Select File. Referred for engrossment. Motion. Motion pending. Laid over	1073
Mar. 13	Motion withdrawn	1120
Mar. 13	Bracketed	1122
Mar. 18	Returned to Select File. Referred for engrossment	1155
Mar. 18	Expedited	1156
Mar. 20	Correctly engrossed	1203
Mar. 25	Returned to Select File	1304
Mar. 25	Referred for re-engrossment. Returned to Select File. Referred for re-engrossment	1307
Mar. 25	Replaced on Select File	1324
Mar. 26	Referred for re-engrossment	1340
Mar. 26	Returned to Select File. Referred for re-engrossment	1344
Mar. 26	Replaced on Select File	1349
Mar. 27	Referred for re-engrossment	1356
Mar. 27	Correctly re-engrossed	1364
Apr. 1	Final Reading	1419
Apr. 1	Correctly enrolled. Speaker signed	1427
Apr. 1	Presented to Governor	1430
Apr. 3	Approved by Governor	1478

LEGISLATIVE BILL 878 By Whitney

Jan. 15	Read first time	273
Jan. 15	Referred to Committee on Public Works	285
Jan. 18	Notice of hearing	320
Feb. 4	Withdrawn	493

LEGISLATIVE BILL 879 By Urban Affairs Committee

Jan. 15	Read first time	273
Jan. 15	Referred to Committee on Urban Affairs	285

CHRONOLOGY OF BILLS

1847

Jan. 22	Notice of hearing	358
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 880 By Kelly

Jan. 15	Read first time	273
Jan. 15	Referred to Committee on Public Works	285
Jan. 18	Notice of hearing	320
Feb. 8	Placed on General File	570
Mar. 18	Motion. Motion pending. Laid over	1152
Mar. 20	Change of order. Withdrawn	1217

LEGISLATIVE BILL 881 By Labor Committee

Jan. 15	Read first time	274
Jan. 15	Referred to Committee on Labor	285
Jan. 29	Notice of hearing	417
Feb. 7	Notice of hearing, cancelled	549
Feb. 7	Notice of hearing, reset	550
Feb. 25	Placed on General File	749
Feb. 28	Referred for review	889
Mar. 5	Placed on Select File	924
Mar. 6	Referred for engrossment	948
Mar. 11	Correctly engrossed	1032
Mar. 13	Final Reading	1108
Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Approved by Governor	1234

LEGISLATIVE BILL 882 By Labor Committee

Jan. 15	Read first time	274
Jan. 15	Referred to Committee on Labor	285
Jan. 29	Notice of hearing	417
Feb. 7	Notice of hearing, cancelled. Notice of hearing, reset	550
Feb. 25	Placed on General File	749
Feb. 28	Referred for review	889
Mar. 5	Placed on Select File	924
Mar. 6	Referred for engrossment	948
Mar. 12	Correctly engrossed	1079
Mar. 19	Final Reading	1171
Mar. 20	Correctly enrolled. President signed	1203
Mar. 21	Presented to Governor	1237
Mar. 25	Approved by Governor	1301

LEGISLATIVE BILL 883 By Waldron

Jan.	15	Read first time	274
Jan.	15	Referred to Committee on Miscellaneous Subjects	285
Jan.	24	Notice of hearing	386
Mar.	6	Placed on General File	965
Apr.	3	Indefinitely postponed	1478

LEGISLATIVE BILL 884 By Agriculture and Environment Committee

Jan.	15	Read first time	274
Jan.	15	Referred to Committee on Agriculture and Environment	285
Jan.	23	Notice of hearing	378
Feb.	4	Indefinitely postponed	496

LEGISLATIVE BILL 885 By Skarda

Jan.	15	Read first time	274
Jan.	15	Referred to Committee on Education	285
Jan.	18	Notice of hearing	325
Mar.	11	Placed on General File	1048
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 886 By Skarda

Jan.	15	Read first time	274
Jan.	15	Referred to Committee on Public Works	285
Jan.	29	Notice of hearing	417
Feb.	14	Placed on General File	651
Feb.	26	Referred for review	825
Mar.	4	Placed on Select File	900
Mar.	5	Referred for engrossment	928
Mar.	7	Replaced on Select File	993
Mar.	8	Referred for engrossment	1012
Mar.	12	Correctly engrossed	1079
Mar.	19	Final Reading	1172
Mar.	20	Correctly enrolled. President signed	1203
Mar.	21	Presented to Governor	1237
Mar.	25	Approved by Governor	1301

LEGISLATIVE BILL 887 By Kremer

Jan.	15	Read first time	275
Jan.	15	Referred to Committee on Agriculture and Environment	285

CHRONOLOGY OF BILLS

1849

Jan. 23	Notice of hearing	378
Feb. 12	Placed on General File	599
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 888 By Agriculture and Environment Committee

Jan. 15	Read first time	275
Jan. 15	Referred to Committee on Agriculture and Environment	285
Jan. 18	Notice of hearing	316
Jan. 29	Placed on General File	409
Feb. 15	Referred for review	665
Feb. 19	Placed on Select File	709
Feb. 19	Referred for engrossment	732
Feb. 25	Replaced on Select File	745
Feb. 26	Referred for engrossment	810
Feb. 26	Correctly engrossed	822
Feb. 28	Final Reading	867
Feb. 28	Correctly enrolled. President signed	874
Feb. 28	Presented to Governor	876
Mar. 4	Explanation of vote	911
Mar. 5	Approved by Governor	921

LEGISLATIVE BILL 888A By Agriculture and Environment Committee

Feb. 8	Read first time. Placed on General File	578
Feb. 15	Referred for review	666
Feb. 19	Placed on Select File	709
Feb. 19	Referred for engrossment	732
Feb. 26	Correctly engrossed	822
Feb. 28	Final Reading	868
Feb. 28	Correctly enrolled. President signed	874
Feb. 28	Presented to Governor	876
Mar. 4	Explanation of vote	911
Mar. 5	Approved by Governor	921

LEGISLATIVE BILL 889 By Marvel

Jan. 15	Read first time	275
Jan. 15	Referred to Committee on Appropriations	285
Jan. 29	Notice of hearing	431
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 890 By Whitney

Jan. 15	Read first time	275
Jan. 15	Referred to Committee on Nebraska Retirement Systems	285

Jan. 29	Notice of hearing	406
Feb. 28	Placed on General File	885
Mar. 8	Referred for review	1022
Mar. 13	Placed on Select File	1117
Mar. 13	Referred for engrossment	1121
Mar. 19	Correctly engrossed	1177
Mar. 22	Final Reading	1278
Mar. 22	Correctly enrolled. President signed	1284
Mar. 22	Presented to Governor	1286
Mar. 25	Explanation of vote	1301
Mar. 26	Approved by Governor	1341

LEGISLATIVE BILL 891 By Whitney

Jan. 15	Read first time	275
Jan. 15	Referred to Committee on Constitutional Revision and Recreation	285
Jan. 21	Notice of hearing	350
Feb. 12	Indefinitely postponed	614

LEGISLATIVE BILL 892 By Telecommunications Committee

Jan. 15	Read first time	276
Jan. 15	Referred to Committee on Telecommunications	285
Feb. 1	Notice of hearing	470
Mar. 5	Placed on General File	931
Mar. 7	Returned to Committee	1004
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 893 By Public Works Committee

Jan. 15	Read first time	276
Jan. 15	Referred to Committee on Public Works	285
Jan. 18	Notice of hearing	320
Feb. 14	Placed on General File	651
Feb. 26	Referred for review	826
Mar. 4	Placed on Select File	900
Mar. 5	Referred for engrossment	928
Mar. 7	Correctly engrossed	1003
Mar. 11	Final Reading	1039
Mar. 12	Correctly enrolled. President signed	1075
Mar. 13	Presented to Governor	1112
Mar. 18	Approved by Governor	1135

LEGISLATIVE BILL 894 By DeCamp

Jan. 15	Read first time	276
Jan. 15	Referred to Committee on Agriculture and Environment	285
Jan. 23	Notice of hearing	378
Feb. 8	Notice of hearing, second hearing	556
Mar. 13	Placed on General File	1112
Apr. 3	Motion. Motion lost. Referred for review	1481
Apr. 8	Placed on Select File	1511
Apr. 8	Amendments adopted	1533
Apr. 8	Referred for engrossment	1535
Apr. 9	Replaced on Select File	1559
Apr. 9	Failed to advance for engrossment	1560
Apr. 9	Referred for engrossment	1566
Apr. 9	Correctly engrossed	1570
Apr. 11	Motion. Motion lost. Final Reading	1665
Apr. 11	Correctly enrolled. President signed	1673
Apr. 11	Presented to Governor	1676
Apr. 18	Approved by Governor	1697

LEGISLATIVE BILL 895 By DeCamp

Jan. 15	Read first time	276
Jan. 15	Referred to Committee on Miscellaneous Subjects	285
Jan. 24	Notice of hearing	386
Feb. 28	Placed on General File	892
Apr. 3	Referred for review	1476
Apr. 8	Placed on Select File	1509
Apr. 8	Referred for engrossment	1519
Apr. 8	Correctly engrossed	1541
Apr. 11	Final Reading	1647
Apr. 11	Correctly enrolled. President signed	1650
Apr. 11	Presented to Governor	1653
Apr. 18	Approved by Governor	1690

LEGISLATIVE BILL 896 By DeCamp

Jan. 15	Read first time	277
Jan. 15	Referred to Committee on Nebraska Retirement Systems	285
Jan. 29	Notice of hearing	406
Mar. 12	Placed on General File	1092
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 897 By Maresh

Jan.	15	Read first time	277
Jan.	15	Referred to Committee on Labor	285
Jan.	29	Notice of hearing	417
Feb.	14	Notice of hearing, continued	640
Feb.	25	Placed on General File	750
Mar.	4	Amendments printed	902
Mar.	8	Amendments adopted. Amendments laid over	1022
Mar.	8	Referred for review. Expedited	1023
Mar.	13	Placed on Select File	1118
Mar.	13	Referred for engrossment	1121
Mar.	18	Correctly engrossed	1140
Mar.	21	Laid over	1250
Mar.	21	Bracketed	1254
Mar.	25	Returned to Select File	1304
Mar.	25	Referred for re-engrossment	1307
Mar.	25	Returned to Select File. Referred for re-engrossment	1311
Mar.	25	Replaced on Select File	1323
Mar.	26	Referred for re-engrossment	1340
Mar.	27	Correctly re-engrossed	1355
Apr.	1	Final Reading	1420
Apr.	1	Correctly enrolled. Speaker signed.	1427
Apr.	1	Presented to Governor	1430
Apr.	3	Approved by Governor	1478

LEGISLATIVE BILL 898 By Labor Committee

Jan.	15	Read first time	277
Jan.	15	Referred to Committee on Labor	285
Feb.	5	Notice of hearing	502
Feb.	7	Notice of hearing, cancelled. Notice of hearing, reset	550
Feb.	25	Indefinitely postponed	749

LEGISLATIVE BILL 899 By Stahmer

Jan.	15	Read first time	277
Jan.	15	Referred to Committee on Education	285
Jan.	18	Co-introducer added	319
Jan.	18	Notice of hearing	325
Jan.	21	Motion. Motion lost	350
Jan.	30	Name withdrawn	449
Feb.	25	Indefinitely postponed	751

LEGISLATIVE BILL 900 By Syas

Jan. 15	Read first time	278
Jan. 15	Referred to Committee on Education	285
Jan. 18	Co-introducer added	319
Jan. 18	Notice of hearing	325
Jan. 21	Motion. Motion lost	350
Jan. 23	Motion. Motion pending	380
Jan. 24	Motion renewed. Ruled out of order	392
Jan. 24	Motion. Motion lost	393
Jan. 30	Name withdrawn	442
Feb. 25	Indefinitely postponed	751

LEGISLATIVE BILL 901 By Snyder

Jan. 15	Read first time	278
Jan. 15	Referred to Committee on Education	285
Jan. 18	Co-introducer added	319
Jan. 18	Notice of hearing	325
Jan. 21	Motion. Motion lost	350
Jan. 23	Motion. Motion pending	380
Jan. 24	Motion renewed. Motion laid over	393
Jan. 30	Motion withdrawn. Name withdrawn	442
Feb. 25	Indefinitely postponed	751
Feb. 26	Motion. Motion pending. Laid over	817
Feb. 28	Motion renewed. Motion lost	880
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 902 By Savage

Jan. 15	Read first time	278
Jan. 15	Referred to Committee on Education	285
Jan. 18	Co-introducer added	319
Jan. 18	Notice of hearing	325
Jan. 21	Motion. Motion lost	350
Jan. 23	Motion. Motion pending	380
Jan. 24	Motion renewed. Motion ruled out of order	392
Jan. 30	Name withdrawn	442
Feb. 25	Indefinitely postponed	751

LEGISLATIVE BILL 903 By Cavanaugh

Jan. 15	Read first time	278
Jan. 15	Referred to Committee on Public Health and Welfare	285
Jan. 21	Notice of hearing	347

Feb. 15	Placed on General File	665
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 904 By Cavanaugh

Jan. 15	Read first time	278
Jan. 15	Referred to Committee on Labor	285
Feb. 1	Notice of hearing	479
Feb. 6	Notice of hearing, cancelled. Notice of hearing, reset	527
Feb. 7	Notice of hearing, cancelled. Notice of hearing, reset	550
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 905 By Nebraska Retirement Systems Committee

Jan. 15	Read first time	278
Jan. 15	Referred to Committee on Nebraska Retirement Systems	285
Jan. 29	Notice of hearing	406
Feb. 25	Placed on General File	748
Feb. 28	Referred for review	888
Feb. 28	Returned to General File. Referred for review	889
Mar. 5	Placed on Select File	924
Mar. 6	Referred for engrossment	948
Mar. 8	Replaced on Select File	1026
Mar. 11	Referred for engrossment	1046
Mar. 13	Replaced on Select File	1115
Mar. 13	Referred for engrossment	1120
Mar. 18	Correctly engrossed	1140
Mar. 21	Final Reading	1250
Mar. 21	Correctly enrolled. President signed	1263
Mar. 21	Presented to Governor	1268
Mar. 26	Approved by Governor	1341

LEGISLATIVE BILL 906 By Revenue Committee

Jan. 15	Read first time	279
Jan. 15	Referred to Committee on Revenue	285
Jan. 22	Notice of hearing	355
Feb. 5	Notice of hearing, reset	513
Mar. 5	Placed on General File	937
Apr. 3	Amendment adopted	1476
Apr. 3	Indefinitely postponed	1477

LEGISLATIVE BILL 907 By Simpson

Jan.	15	Read first time	279
Jan.	15	Referred to Committee on Labor	285
Feb.	1	Notice of hearing	479
Feb.	7	Notice of hearing, cancelled. Notice of hearing, reset	550
Feb.	25	Indefinitely postponed	749

LEGISLATIVE BILL 908 By Public Health and Welfare Committee

Jan.	15	Read first time	279
Jan.	15	Referred to Committee on Public Health and Welfare	285
Jan.	22	Notice of hearing	367
Feb.	25	Indefinitely postponed	751

LEGISLATIVE BILL 909 By Anderson

Jan.	15	Read first time	279
Jan.	15	Referred to Committee on Public Health and Welfare	285
Jan.	18	Notice of hearing	320
Feb.	8	Placed on General File	565
Feb.	26	Referred for review	821
Mar.	4	Placed on Select File	899
Mar.	5	Referred for engrossment	927
Mar.	7	Replaced on Select File	992
Mar.	8	Referred for engrossment	1012
Mar.	12	Correctly engrossed	1079
Mar.	19	Final Reading	1173
Mar.	20	Correctly enrolled. President signed	1203
Mar.	21	Presented to Governor	1237
Mar.	25	Approved by Governor	1301

LEGISLATIVE BILL 910 By Anderson

Jan.	15	Read first time	279
Jan.	15	Referred to Committee on Miscellaneous Subjects	285
Jan.	24	Notice of hearing	386
Mar.	6	Placed on General File	965
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 911 By Anderson

Jan. 15	Read first time	280
Jan. 15	Referred to Committee on Education	285
Jan. 18	Notice of hearing	325
Feb. 13	Placed on General File	630
Feb. 26	Referred for review	825
Mar. 4	Placed on Select File	900
Mar. 5	Referred for engrossment	927
Mar. 7	Replaced on Select File	992
Mar. 8	Referred for engrossment	1012
Mar. 12	Correctly engrossed	1079
Mar. 19	Final Reading	1173
Mar. 20	Correctly enrolled. President signed	1203
Mar. 21	Presented to Governor	1237
Mar. 25	Approved by Governor	1316

LEGISLATIVE BILL 912 By Johnson

Jan. 15	Read first time	280
Jan. 15	Referred to Committee on Banking, Commerce and Insurance	285
Jan. 17	Notice of hearing	303
Jan. 31	Placed on General File	465
Feb. 15	Referred for review	672
Feb. 19	Placed on Select File	729
Feb. 19	Referred for engrossment	733
Feb. 25	Correctly engrossed	747
Feb. 27	Final Reading	848
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 913 By Johnson

Jan. 15	Read first time	280
Jan. 15	Referred to Committee on Banking, Commerce and Insurance	285
Jan. 17	Notice of hearing	303
Feb. 25	Placed on General File	784
Apr. 3	Referred for review	1472
Apr. 8	Placed on Select File	1506
Apr. 8	Referred for engrossment	1518
Apr. 8	Correctly engrossed	1541
Apr. 11	Final Reading	1648
Apr. 11	Correctly enrolled. President signed	1650
Apr. 11	Presented to Governor	1653
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 914 By Burbach, Johnson, C. Carsten

Jan.	15	Read first time	280
Jan.	15	Referred to Committee on Revenue	285
Jan.	22	Notice of hearing	355
Feb.	26	Placed on General File	822
Apr.	3	Referred for review	1473
Apr.	8	Placed on Select File	1508
Apr.	8	Referred for engrossment	1518
Apr.	8	Correctly engrossed	1541
Apr.	11	Final Reading	1648
Apr.	11	Correctly enrolled. President signed	1653
Apr.	11	Presented to Governor	1666
Apr.	18	Approved by Governor	1692

LEGISLATIVE BILL 915 By Miscellaneous Subjects Committee

Jan.	15	Read first time	280
Jan.	15	Referred to Committee on Miscellaneous Subjects	285
Jan.	24	Notice of hearing	386
Feb.	1	Attorney General Opinion	477
Feb.	19	Placed on General File	722
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 916 By Waldron

Jan.	15	Read first time	280
Jan.	15	Referred to Committee on Agriculture and Environment	285
Jan.	23	Notice of hearing	378
Feb.	12	Indefinitely postponed	599

LEGISLATIVE BILL 917 By Revenue Committee

Jan.	15	Read first time	281
Jan.	15	Referred to Committee on Revenue	285
Jan.	22	Notice of hearing	355
Feb.	26	Placed on General File	824
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 917A By Revenue Committee

Mar.	6	Read first time. Placed on General File	969
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 918 By Revenue Committee

Jan. 15	Read first time	281
Jan. 15	Referred to Committee on Revenue	285
Jan. 22	Notice of hearing	355
Feb. 26	Placed on General File	824
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 919 By Savage

Jan. 15	Read first time	281
Jan. 15	Referred to Committee on Banking, Commerce and Insurance	285
Jan. 17	Notice of hearing	303
Feb. 11	Placed on General File	589
Mar. 8	Referred for review	1022
Mar. 13	Placed on Select File	1117
Mar. 13	Referred for engrossment	1121
Mar. 19	Correctly engrossed	1177
Mar. 22	Final Reading	1279
Mar. 22	Correctly enrolled. President signed	1284
Mar. 22	Presented to Governor	1286
Mar. 25	Explanation of vote	1301
Mar. 26	Approved by Governor	1341

LEGISLATIVE BILL 920 By Luedtke

Jan. 15	Read first time	281
Jan. 15	Referred to Committee on Public Works	285
Jan. 18	Notice of hearing	320
Feb. 14	Placed on General File	651
Feb. 26	Referred for review	826
Mar. 4	Placed on Select File	900
Mar. 5	Referred for engrossment	929
Mar. 8	Correctly engrossed	1018
Mar. 13	Bracketed	1100
Apr. 2	Unbracketed	1439
Apr. 2	Returned to Select File. Referred for re-engrossment	1440
Apr. 2	Amendment printed	1458
Apr. 3	Returned to Select File. Referred for re-engrossment	1493
Apr. 8	Replaced on Select File	1503
Apr. 8	Referred for re-engrossment. Correctly re-engrossed	1518
Apr. 11	Final Reading	1649

CHRONOLOGY OF BILLS

1859

Apr. 11	Correctly enrolled. President signed	1653
Apr. 11	Presented to Governor	1666
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 921 By Luedtke

Jan. 15	Read first time	281
Jan. 15	Referred to Committee on Public Works	285
Jan. 18	Notice of hearing	320
Feb. 15	Placed on General File	670
Feb. 26	Referred for review	826
Mar. 8	Placed on Select File	1026
Mar. 11	Referred for engrossment	1047
Mar. 18	Replaced on Select File	1139
Mar. 19	Referred for engrossment	1176
Mar. 21	Correctly engrossed	1237
Mar. 26	Final Reading	1334
Mar. 26	Correctly enrolled. Speaker signed	1343
Mar. 26	Presented to Governor	1350
Apr. 1	Returned by Governor without approval	1411
Apr. 1	Attorney General Opinion	1413

LEGISLATIVE BILL 922 By Luedtke

Jan. 15	Read first time	281
Jan. 15	Referred to Committee on Miscellaneous Subjects	285
Jan. 24	Notice of hearing	386
Feb. 13	Placed on General File	631
Feb. 26	Referred for review	825
Mar. 4	Placed on Select File	900
Mar. 5	Referred for engrossment	927
Mar. 7	Correctly engrossed	1003
Mar. 8	Bracketed	1014
Mar. 21	Amendment printed	1248
Mar. 22	Unbracketed. Returned to Select File. Referred for re-engrossment. Expedited	1281
Mar. 22	Replaced on Select File	1291
Mar. 22	Referred for re-engrossment	1298
Mar. 25	Correctly re-engrossed	1305
Apr. 10	Final Reading	1621
Apr. 10	Correctly enrolled. President signed	1628
Apr. 11	Presented to Governor	1635
Apr. 11	Explanation of vote	1653
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 923 By Luedtke

Jan. 15	Read first time	282
Jan. 15	Referred to Committee on Judiciary	285
Jan. 22	Notice of hearing	368
Feb. 25	Placed on General File	783
Apr. 3	Referred for review	1490
Apr. 8	Placed on Select File	1516
Apr. 8	Referred for engrossment	1521
Apr. 8	Correctly engrossed	1541
Apr. 11	Final Reading	1650
Apr. 11	Correctly enrolled. President signed	1660
Apr. 11	Presented to Governor	1666
Apr. 18	Approved by Governor	1692

LEGISLATIVE BILL 924 By Revenue Committee

Jan. 15	Read first time	282
Jan. 15	Referred to Committee on Revenue	285
Jan. 22	Notice of hearing	355
Feb. 13	Placed on General File	619
Feb. 26	Referred for review	825
Mar. 4	Placed on Select File	899
Mar. 5	Referred for engrossment	927
Mar. 7	Correctly engrossed	1003
Mar. 11	Final Reading	1040
Mar. 12	Correctly enrolled. President signed	1075
Mar. 13	Presented to Governor	1112
Mar. 19	Returned by Governor without approval	1166

LEGISLATIVE BILL 925 By Whitney

Jan. 15	Read first time	282
Jan. 15	Referred to Committee on Banking, Commerce and Insurance	285
Jan. 17	Notice of hearing	303
Feb. 7	Placed on General File	531
Feb. 15	Referred for review	674
Feb. 19	Placed on Select File	730
Feb. 19	Referred for engrossment	733
Feb. 25	Replaced on Select File	745
Feb. 26	Referred for engrossment	810
Feb. 26	Correctly engrossed	822
Feb. 28	Final Reading	868
Feb. 28	Correctly enrolled. President signed	874

CHRONOLOGY OF BILLS

1861

Feb. 28	Presented to Governor	876
Mar. 4	Explanation of vote	911
Mar. 5	Approved by Governor	921

LEGISLATIVE BILL 925A By Banking, Commerce and Insurance Committee

Feb. 14	Read first time. Placed on General File	641
Feb. 15	Referred for review	674
Feb. 19	Placed on Select File	730
Feb. 19	Referred for engrossment	734
Feb. 26	Correctly engrossed	822
Feb. 28	Final Reading. Expedited	869
Feb. 28	Correctly enrolled. President signed	874
Feb. 28	Presented to Governor	876
Mar. 4	Explanation of vote	911
Mar. 5	Approved by Governor	921

LEGISLATIVE BILL 926 By Savage

Jan. 15	Read first time	282
Jan. 15	Referred to Committee on Banking, Commerce and Insurance	285
Jan. 17	Notice of hearing	303
Feb. 11	Placed on General File	589
Mar. 8	Referred for review	1022
Mar. 13	Placed on Select File	1117
Mar. 13	Referred for engrossment	1121
Mar. 19	Correctly engrossed	1177
Mar. 22	Final Reading	1279
Mar. 22	Correctly enrolled. President signed	1284
Mar. 22	Presented to Governor	1286
Mar. 25	Explanation of vote	1301
Apr. 1	Approved by Governor	1409

LEGISLATIVE BILL 927 By Snyder, Barnett

Jan. 15	Read first time	282
Jan. 15	Referred to Committee on Education	285
Jan. 18	Notice of hearing	325
Feb. 25	Indefinitely postponed	751

LEGISLATIVE BILL 928 By Dickinson

Jan. 15	Read first time	283
Jan. 15	Referred to Committee on Revenue	285

Jan. 22	Notice of hearing	355
Feb. 14	Motion pending. Laid over	656
Feb. 15	Withdrawn	665

LEGISLATIVE BILL 929 By Kennedy

Jan. 15	Read first time	283
Jan. 15	Referred to Committee on Public Works	285
Jan. 18	Notice of hearing	320
Jan. 29	Indefinitely postponed	404

LEGISLATIVE BILL 930 By Schmit

Jan. 15	Read first time	283
Jan. 15	Referred to Committee on Public Health and Welfare	285
Jan. 21	Notice of hearing	347
Feb. 28	Placed on General File	876
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 931 By Schmit

Jan. 15	Read first time	283
Jan. 15	Referred to Committee on Revenue	285
Jan. 22	Notice of hearing	355
Feb. 28	Indefinitely postponed	874

LEGISLATIVE BILL 932 By Constitutional Revision and Recreation Committee

Jan. 15	Read first time	286
Jan. 17	Referred to Committee on Constitutional Revision and Recreation	308
Jan. 21	Notice of hearing	350
Feb. 4	Placed on General File	496
Mar. 7	Request	1003
Mar. 8	Change of order	1025
Mar. 27	Referred for review	1373
Mar. 28	Placed on Select File	1400
Mar. 28	Referred for engrossment	1405
Apr. 1	Replaced on Select File	1417
Apr. 2	Bracketed	1446
Apr. 9	Unbracketed. Referred for engrossment	1558
Apr. 9	Correctly engrossed	1570
Apr. 11	Motion. Motion lost. Final Reading	1667
Apr. 11	Correctly enrolled. President signed	1673
Apr. 11	Presented to Governor	1676
Apr. 18	Approved by Governor	1690

LEGISLATIVE BILL 933 By Constitutional Revision and Recreation Committee

Jan. 15	Read first time	287
Jan. 17	Referred to Committee on Constitutional Revision and Recreation	308
Jan. 21	Notice of hearing	350
Feb. 4	Placed on General File	496
Mar. 7	Request	1003
Mar. 8	Change of order	1025
Mar. 27	Referred for review	1373
Mar. 28	Placed on Select File	1400
Mar. 28	Referred for engrossment	1406
Apr. 2	Motion. Motion pending. Bracketed	1446
Apr. 9	Unbracketed. Motion. Motion lost	1559
Apr. 9	Correctly engrossed	1570
Apr. 11	Final Reading	1668
Apr. 11	Correctly enrolled. President signed	1673
Apr. 11	Presented to Governor	1676
Apr. 18	Approved by Governor	1690

LEGISLATIVE BILL 934 By Epke

Jan. 15	Read first time	287
Jan. 17	Referred to Committee on Agriculture and Environment	308
Jan. 23	Notice of hearing	378
Feb. 12	Placed on General File	599
Apr. 3	Referred for review	1468
Apr. 3	Placed on Select File	1483
Apr. 3	Referred for engrossment	1486
Apr. 8	Replaced on Select File	1501
Apr. 8	Referred for engrossment	1517
Apr. 8	Correctly engrossed	1518
Apr. 11	Final Reading	1651
Apr. 11	Correctly enrolled. President signed	1660
Apr. 11	Presented to Governor	1666
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 935 By Epke

Jan. 15	Read first time	287
Jan. 15	Referred to Committee on Agriculture and Environment	308
Jan. 23	Notice of hearing	378
Feb. 12	Placed on General File	599

Apr. 3	Referred for review	1468
Apr. 3	Placed on Select File	1483
Apr. 3	Referred for engrossment	1486
Apr. 8	Correctly engrossed	1516
Apr. 11	Final Reading	1652
Apr. 11	Correctly enrolled. President signed	1660
Apr. 11	Presented to Governor	1666
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 936 By Waldron

Jan. 15	Read first time	287
Jan. 17	Referred to Committee on Judiciary	308
Jan. 18	Notice of hearing	325
Feb. 1	Indefinitely postponed	482

LEGISLATIVE BILL 937 By Savage

Jan. 15	Read first time	287
Jan. 17	Referred to Committee on Miscellaneous Subjects	308
Jan. 24	Notice of hearing	386
Feb. 14	Placed on General File	651
Apr. 3	Referred for review	1469
Apr. 3	Placed on Select File	1483
Apr. 3	Referred for engrossment	1486
Apr. 3	Correctly engrossed	1516
Apr. 11	Final Reading	1654
Apr. 11	Correctly enrolled. President signed	1660
Apr. 11	Presented to Governor	1666
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 938 By R. Lewis

Jan. 15	Read first time	288
Jan. 17	Referred to Committee on Appropriations	308
Feb. 19	Notice of hearing	721
Mar. 4	Placed on General File	918
Apr. 3	Referred for review	1476
Apr. 8	Placed on Select File	1509
Apr. 8	Referred for engrossment	1521
Apr. 8	Correctly engrossed	1541
Apr. 9	Motion pending	1573
Apr. 11	Final Reading	1654
Apr. 11	Correctly enrolled. President signed	1660
Apr. 11	Presented to Governor	1666
Apr. 18	Approved by Governor	1690

LEGISLATIVE BILL 939 By Keyes

Jan.	15	Read first time	288
Jan.	17	Referred to Committee on Public Health and Welfare	308
Jan.	21	Notice of hearing	347
Feb.	19	Attorney General Opinion	739
Mar.	7	Indefinitely postponed	1000

LEGISLATIVE BILL 940 By Keyes

Jan.	15	Read first time	288
Jan.	17	Referred to Committee on Urban Affairs	308
Jan.	29	Notice of hearing	416
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 941 By Burbach

Jan.	15	Read first time	288
Jan.	17	Referred to Committee on Public Works	308
Jan.	18	Notice of hearing	320
Jan.	29	Placed on General File	405
Feb.	1	Amendment pending. Laid over	482
Feb.	5	Indefinitely postponed	511

LEGISLATIVE BILL 942 By Burbach

Jan.	15	Read first time	288
Jan.	17	Referred to Committee on Revenue	308
Jan.	22	Notice of hearing	355
Feb.	28	Placed on General File	874
Feb.	28	Referred for review	890
Mar.	5	Placed on Select File	924
Mar.	6	Referred for engrossment	948
Mar.	8	Replaced on Select File	1008
Mar.	11	Referred for engrossment	1045
Mar.	18	Correctly engrossed	1140
Mar.	21	Final Reading	1250
Mar.	21	Correctly enrolled. President signed	1263
Mar.	21	Presented to Governor	1268
Mar.	25	Approved by Governor	1316

LEGISLATIVE BILL 943 By Burbach

Jan.	15	Read first time	288
Jan.	17	Referred to Committee on Revenue	308
Jan.	22	Notice of hearing	355
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 944 By Maresh

Jan. 15	Read first time	288
Jan. 17	Referred to Committee on Banking, Commerce and Insurance	308
Jan. 18	Notice of hearing	320
Jan. 31	Placed on General File	466
Feb. 15	Referred for review	672
Feb. 19	Placed on Select File	729
Feb. 19	Referred for engrossment	733
Feb. 25	Correctly engrossed	747
Feb. 27	Final Reading	849
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903

LEGISLATIVE BILL 945 By Cavanaugh

Jan. 15	Read first time	289
Jan. 17	Referred to Committee on Miscellaneous Subjects	308
Jan. 24	Notice of hearing	386
Mar. 7	Placed on General File	996
Apr. 3	Referred for review	1470
Apr. 3	Placed on Select File	1484
Apr. 3	Referred for engrossment	1486
Apr. 8	Correctly engrossed	1516
Apr. 10	Final Reading	1616
Apr. 10	Explanation of vote	1617
Apr. 10	Correctly enrolled	1620
Apr. 10	President signed	1621
Apr. 10	Presented to Governor	1624
Apr. 11	Explanation of vote	1653
Apr. 18	Approved by Governor	1693

LEGISLATIVE BILL 946 By Simpson

Jan. 15	Read first time	289
Jan. 17	Referred to Committee on Agriculture and Environment	308
Jan. 23	Notice of hearing	378
Feb. 26	Indefinitely postponed	817

LEGISLATIVE BILL 947 By Barnett

Jan. 15	Read first time	289
Jan. 17	Referred to Committee on Labor	308

CHRONOLOGY OF BILLS

1867

Feb. 1	Notice of hearing	479
Feb. 7	Notice of hearing, cancelled. Notice of hearing, reset	550
Feb. 25	Indefinitely postponed	749

LEGISLATIVE BILL 948 By F. Lewis

Jan. 15	Read first time	289
Jan. 17	Referred to Committee on Government, Military and Veterans Affairs	308
Jan. 30	Notice of hearing	449
Mar. 20	Placed on General File	1229
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 949 By Waldron

Jan. 15	Read first time	289
Jan. 17	Referred to Committee on Public Health and Welfare	308
Jan. 22	Notice of hearing	367
Feb. 18	Placed on General File	681
Feb. 27	Referred for review	856
Mar. 5	Placed on Select File	923
Mar. 6	Referred for engrossment	947
Mar. 8	Replaced on Select File	1008
Mar. 11	Referred for engrossment	1045
Mar. 13	Correctly engrossed	1112
Mar. 20	Final Reading	1205
Mar. 21	Correctly enrolled. President signed	1237
Mar. 21	Presented to Governor	1263
Mar. 25	Approved by Governor	1316

LEGISLATIVE BILL 950 By Snyder

Jan. 15	Read first time	289
Jan. 17	Referred to Committee on Government, Military and Veterans Affairs	308
Jan. 30	Attorney General Opinion	435
Jan. 30	Notice of hearing	449
Mar. 4	Indefinitely postponed. Motion. Laid over	911

LEGISLATIVE BILL 951 By Fellman

Jan. 15	Read first time	290
Jan. 17	Referred to Committee on Labor	308

Feb.	1	Notice of hearing	479
Feb.	7	Notice of hearing, cancelled. Notice of hearing, reset	550
Feb.	25	Placed on General File	750
Feb.	28	Referred for review	890
Mar.	5	Placed on Select File	924
Mar.	6	Referred for engrossment	948
Mar.	11	Replaced on Select File	1051
Mar.	12	Referred for engrossment	1068
Mar.	18	Correctly engrossed	1140
Mar.	21	Final Reading	1251
Mar.	21	Correctly enrolled. President signed	1263
Mar.	21	Presented to Governor	1268
Mar.	25	Approved by Governor	1316

LEGISLATIVE BILL 952 By Kelly

Jan.	15	Read first time	290
Jan.	17	Referred to Committee on Judiciary	308
Jan.	22	Notice of hearing	368
Feb.	15	Indefinitely postponed	660

LEGISLATIVE BILL 953 By Kelly

Jan.	15	Read first time	290
Jan.	17	Referred to Committee on Public Health and Welfare	308
Jan.	21	Notice of hearing	347
Feb.	25	Placed on General File	752
Feb.	28	Bracketed	889
Mar.	4	Amendment adopted. Laid over	916
Mar.	6	Bracketed	963
Mar.	13	Failed to advance for review	1123
Mar.	28	Laid over	1404
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 954 By Anderson

Jan.	15	Read first time	290
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	308
Jan.	18	Notice of hearing	320
Feb.	1	Placed on General File	479
Feb.	15	Referred for review	672
Feb.	19	Placed on Select File	729
Feb.	19	Referred for engrossment	733

CHRONOLOGY OF BILLS

1869

Feb. 25	Replaced on Select File	745
Feb. 26	Referred for engrossment	810
Feb. 26	Correctly engrossed	822
Feb. 28	Final Reading	870
Feb. 28	Correctly enrolled. President signed	874
Feb. 28	Presented to Governor	876
Mar. 4	Approved by Governor	903
Mar. 4	Explanation of vote	911

LEGISLATIVE BILL 955 By Anderson

Jan. 15	Read first time	290
Jan. 17	Referred to Committee on Public Works	308
Jan. 18	Notice of hearing	320
Feb. 8	Indefinitely postponed	577

LEGISLATIVE BILL 956 By Schmit

Jan. 15	Read first time	291
Jan. 17	Referred to Committee on Miscellaneous Subjects	308
Jan. 24	Notice of hearing	386
Feb. 8	Placed on General File	576
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 957 By Schmit

Jan. 15	Read first time	291
Jan. 17	Referred to Committee on Public Health and Welfare	308
Jan. 21	Notice of hearing	347
Feb. 25	Placed on General File	752
Feb. 28	Bracketed	889
Mar. 4	Laid over	916
Mar. 6	Referred for review	963
Mar. 8	Placed on Select File	1029
Mar. 11	Motion. Motion lost. Bracketed	1058
Mar. 13	Attorney General Opinion	1096
Mar. 18	Unbracketed. Indefinitely postponed	1155

LEGISLATIVE BILL 958 By Duis

Jan. 15	Read first time	291
Jan. 17	Referred to Committee on Education	308
Jan. 18	Notice of hearing	325
Feb. 13	Placed on General File	630
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 959 By Duis

Jan. 15	Read first time	291
Jan. 17	Referred to Committee on Revenue	308
Jan. 22	Notice of hearing	355
Mar. 8	Placed on General File	1014
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 960 By Goodrich

Jan. 15	Read first time	291
Jan. 17	Referred to Committee on Constitutional Revision and Recreation	308
Jan. 22	Notice of hearing	368
Feb. 18	Placed on General File	697
Feb. 27	Laid over	856
Feb. 28	Referred for review	890
Mar. 6	Placed on Select File	952
Mar. 7	Laid over	990
Mar. 8	Referred for engrossment	1011
Mar. 12	Attorney General Opinion	1070
Mar. 12	Correctly engrossed	1079
Mar. 19	Returned to Select File	1174
Mar. 19	Referred for re-engrossment	1178
Mar. 20	Replaced on Select File	1216
Mar. 21	Referred for re-engrossment	1259
Mar. 22	Replaced on Select File	1282
Mar. 22	Referred for re-engrossment	1289
Mar. 25	Correctly re-engrossed	1305
Apr. 10	Final Reading	1621
Apr. 10	Correctly enrolled. President signed	1628
Apr. 11	Presented to Governor	1635
Apr. 11	Explanation of vote	1653
Apr. 18	Approved by Governor	1692

LEGISLATIVE BILL 961 By Schmit

Jan. 15	Read first time	291
Jan. 17	Referred to Committee on Public Health and Welfare	308
Jan. 21	Notice of hearing	347
Feb. 25	Placed on General File	753
Feb. 28	Bracketed	889
Mar. 4	Laid over	916
Mar. 6	Referred for review	963
Mar. 8	Placed on Select File	1030

CHRONOLOGY OF BILLS

1871

Mar. 11	Referred for engrossment	1059
Mar. 18	Correctly engrossed	1140
Mar. 21	Final Reading	1252
Mar. 21	Correctly enrolled. President signed	1263
Mar. 21	Presented to Governor	1268
Mar. 25	Approved by Governor	1316

LEGISLATIVE BILL 962 By Goodrich

Jan. 15	Read first time	292
Jan. 17	Referred to Committee on Miscellaneous Subjects	308
Jan. 24	Notice of hearing	386
Mar. 4	Attorney General Opinion	906
Mar. 6	Indefinitely postponed	964

LEGISLATIVE BILL 963 By Goodrich

Jan. 15	Read first time	292
Jan. 17	Referred to Committee on Public Health and Welfare	308
Jan. 22	Notice of hearing	367
Mar. 18	Placed on General File	1149
Mar. 19	Amendments printed	1181
Mar. 19	Motion pending. Laid over	1200
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 964 By DeCamp

Jan. 15	Read first time	292
Jan. 17	Referred to Committee on Education	308
Jan. 23	Notice of hearing	379
Feb. 25	Indefinitely postponed	751

LEGISLATIVE BILL 965 By Judiciary Committee

Jan. 15	Read first time	292
Jan. 17	Referred to Committee on Public Health and Welfare	308
Feb. 8	Notice of hearing	560
Feb. 25	Placed on General File	753
Feb. 28	Referred for review	889
Mar. 5	Placed on Select File	924
Mar. 6	Referred for engrossment	948
Mar. 11	Correctly engrossed	1032
Mar. 13	Final Reading	1109

Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Approved by Governor	1234

LEGISLATIVE BILL 966 By Judiciary

Jan. 15	Read first time	292
Jan. 17	Referred to Committee on Judiciary	308
Jan. 22	Notice of hearing	368
Feb. 15	Placed on General File	660
Feb. 26	Referred for review	826
Mar. 4	Placed on Select File	900
Mar. 5	Referred for engrossment	929
Mar. 8	Correctly engrossed	1018
Mar. 13	Final Reading	1100
Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Approved by Governor	1234

LEGISLATIVE BILL 967 By Judiciary Committee

Jan. 15	Read first time	293
Jan. 17	Referred to Committee on Judiciary	308
Jan. 22	Notice of hearing	368
Mar. 18	Placed on General File	1160
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 968 By DeCamp

Jan. 15	Read first time	293
Jan. 17	Referred to Committee on Banking, Commerce and Insurance	308
Jan. 18	Notice of hearing	320
Jan. 30	Indefinitely postponed	436

LEGISLATIVE BILL 969 By Clark

Jan. 15	Read first time	293
Jan. 17	Referred to Committee on Revenue	308
Jan. 22	Notice of hearing	355
Feb. 28	Placed on General File	874
Mar. 12	Amendment printed	1080
Apr. 3	Referred for review	1475
Apr. 8	Placed on Select File	1509
Apr. 8	Referred for engrossment	1519
Apr. 8	Correctly engrossed	1541

CHRONOLOGY OF BILLS

1873

Apr. 11	Final Reading	1655
Apr. 11	Correctly enrolled. President signed	1660
Apr. 11	Presented to Governor	1666
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 970 By Marvel

Jan. 15	Read first time	293
Jan. 17	Referred to Committee on Constitutional Revision and Recreation	308
Jan. 22	Notice of hearing	368
Feb. 18	Indefinitely postponed	697

LEGISLATIVE BILL 971 By DeCamp

Jan. 15	Read first time	293
Jan. 17	Referred to Committee on Revenue	308
Jan. 22	Notice of hearing	355
Feb. 12	Indefinitely postponed	616
Feb. 15	Motion pending. Laid over	672
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 972 By Kelly

Jan. 15	Read first time	293
Jan. 17	Referred to Committee on Miscellaneous Subjects	308
Jan. 24	Notice of hearing	386
Feb. 6	Placed on General File	518
Feb. 26	Referred for review	820
Mar. 4	Placed on Select File	898
Mar. 5	Referred for engrossment	925
Mar. 7	Replaced on Select File	992
Mar. 8	Referred for engrossment	1012
Mar. 11	Correctly engrossed	1032
Mar. 18	Motion. Motion lost. Final Reading	1144
Mar. 19	Motion. Motion lost	1175
Mar. 19	Correctly enrolled	1177
Mar. 19	President signed	1178
Mar. 19	Motion renewed. Motion lost	1189
Mar. 20	Presented to Governor	1203
Mar. 25	Approved by Governor	1301

LEGISLATIVE BILL 973 By Stahmer

Jan. 17	Read first time	301
Jan. 17	Referred to Committee on Education	308

Jan. 23	Notice of hearing	379
Feb. 8	Attorney General Opinion	555
Feb. 25	Indefinitely postponed	751
Feb. 25	Motion. Motion pending	786
Mar. 5	Motion renewed. Motion lost	939
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 974 By Public Works Committee

Jan. 17	Read first time	303
Jan. 17	Referred to Committee on Public Works	308
Jan. 18	Notice of hearing	320
Feb. 14	Placed on General File	651
Feb. 26	Referred for review	826
Mar. 4	Placed on Select File	900
Mar. 5	Referred for engrossment	929
Mar. 8	Correctly engrossed	1018
Mar. 13	Final Reading	1101
Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Approved by Governor	1234

LEGISLATIVE BILL 975 By Public Works Committee, Agriculture and Environment Committee

Jan. 17	Read first time	304
Jan. 17	Referred to Committee on Public Works	308
Jan. 18	Notice of hearing	320
Feb. 4	Placed on General File	496
Feb. 25	Referred for review	792
Feb. 28	Placed on Select File	862
Feb. 28	Referred for engrossment	885
Mar. 4	Correctly engrossed	901
Mar. 7	Final Reading	983
Mar. 7	Explanation of vote	989
Mar. 8	Correctly enrolled	1010
Mar. 8	President signed	1020
Mar. 8	Presented to Governor	1025
Mar. 18	Approved by Governor	1134

LEGISLATIVE BILL 975A By Kremer

Feb. 8	Read first time. Placed on General File	567
Feb. 25	Referred for review	793
Feb. 28	Placed on Select File	863
Feb. 28	Referred for engrossment	885

CHRONOLOGY OF BILLS

1875

Mar. 4	Correctly engrossed	901
Mar. 7	Final Reading	983
Mar. 7	Explanation of vote	989
Mar. 8	Correctly enrolled	1010
Mar. 8	President signed	1020
Mar. 8	Presented to Governor	1025
Mar. 18	Approved by Governor	1134

LEGISLATIVE BILL 976 By Public Works Committee

Jan. 17	Read first time	304
Jan. 17	Referred to Committee on Public Works	308
Jan. 18	Notice of hearing	320
Feb. 19	Placed on General File	712
Feb. 27	Referred for review	859
Mar. 5	Placed on Select File	923
Mar. 6	Referred for engrossment	947
Mar. 8	Correctly engrossed	1018
Mar. 13	Final Reading	1101
Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Returned by Governor without approval	1208
Mar. 20	Attorney General Opinion	1209

LEGISLATIVE BILL 977 By Kennedy, at request of Governor

Jan. 18	Read first time	316
Feb. 18	Referred to Committee on Public Health and Welfare	326
Jan. 18	Notice of hearing	319
Feb. 8	Placed on General File	565
Mar. 22	Referred for review	1295
Mar. 22	Expedited	1296
Mar. 25	Placed on Select File	1303
Mar. 25	Referred for engrossment	1311
Mar. 26	Correctly engrossed	1329
Mar. 27	Bracketed	1358
Mar. 27	Amendment printed	1376
Apr. 2	Unbracketed. Motions. Motions lost	1442
Apr. 9	Motion. Motion lost	1567
Apr. 9	Bracketed	1582
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 977A By Kennedy, at request of Governor

Mar. 18	Read first time. Placed on General File	1157
Mar. 22	Referred for review	1295
Mar. 22	Expedited	1296

Mar. 25	Placed on Select File	1303
Mar. 25	Referred for engrossment	1312
Mar. 26	Correctly engrossed	1329
Mar. 27	Bracketed	1358
Mar. 27	Amendments printed	1376
Apr. 9	Bracketed	1582
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 978 By Executive Board

Jan. 18	Read first time	317
Jan. 18	Referred to Committee on Miscellaneous Subjects	326
Jan. 24	Notice of hearing	386
Feb. 14	Placed on General File	651
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 979 By Executive Board

Jan. 18	Read first time	318
Jan. 18	Referred to Committee on Urban Affairs	326
Jan. 22	Notice of hearing	359
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 980 By Executive Board

Jan. 18	Read first time	318
Jan. 18	Referred to Committee on Urban Affairs	326
Jan. 22	Notice of hearing	359
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 981 By Miscellaneous Subjects Committee

Jan. 18	Read first time	318
Jan. 18	Referred to Committee on Miscellaneous Subjects	326
Jan. 24	Notice of hearing	386
Feb. 14	Placed on General File	651
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 982 By Miscellaneous Subjects Committee

Jan. 22	Read first time	356
Jan. 22	Referred to Committee on Miscellaneous Subjects	369
Jan. 31	Notice of hearing	459

CHRONOLOGY OF BILLS

1877

Feb. 14	Placed on General File	651
Apr. 3	Referred for review	1470
Apr. 3	Placed on Select File	1484
Apr. 3	Referred for engrossment	1493
Apr. 8	Correctly engrossed	1516
Apr. 11	Final Reading	1656
Apr. 11	Correctly enrolled. President signed	1660
Apr. 11	Presented to Governor	1666
Apr. 18	Approved by Governor	1692

LEGISLATIVE BILL 983 By Miscellaneous Subjects Committee

Jan. 22	Read first time	356
Jan. 22	Referred to Committee on Miscellaneous Subjects	369
Jan. 31	Notice of hearing	459
Feb. 19	Placed on General File	723
Feb. 28	Referred for review	887
Mar. 6	Placed on Select File	951
Mar. 7	Referred for engrossment	990
Mar. 11	Motion. Returned to Select File	1059
Mar. 11	Referred for engrossment	1060
Mar. 18	Correctly engrossed	1140
Mar. 25	Bracketed	1305
Mar. 26	Unbracketed. Motion. Returned to Select File	1338
Mar. 26	Referred for re-engrossment	1339
Mar. 27	Correctly re-engrossed	1355
Apr. 10	Final Reading	1613
Apr. 10	Correctly enrolled	1620
Apr. 10	President signed	1621
Apr. 10	Presented to Governor	1624
Apr. 11	Explanation of vote	1653
Apr. 18	Approved by Governor	1693

LEGISLATIVE BILL 983A By Carpenter

Mar. 7	Read first time. Placed on General File	1000
Mar. 7	Change of order	1001
Mar. 7	Referred for review	1002
Mar. 8	Placed on Select File	1030
Mar. 11	Referred for engrossment	1059
Mar. 18	Correctly engrossed	1140
Mar. 18	Motion. Returned to Select File Referred for re-engrossment	1154
Mar. 20	Correctly re-engrossed	1203

Mar. 25	Bracketed	1305
Mar. 26	Unbracketed Motion. Returned to Select File	1338
Mar. 26	Referred for re-engrossment.	1339
Mar. 27	Correctly re-engrossed	1355
Apr. 10	Final Reading	1613
Apr. 10	Correctly enrolled	1620
Apr. 10	President signed	1621
Apr. 10	Presented to Governor	1624
Apr. 11	Explanation of vote	1653
Apr. 18	Approved by Governor. Line item veto	1694
Apr. 18	Letter	1700

LEGISLATIVE BILL 984 By Proud, at request of Governor

Jan. 22	Read first time	368
Jan. 22	Referred to Committee on Appropriations	369
Jan. 29	Notice of hearing	431
Feb. 13	Placed on General File	620
Feb. 13	Change of order. Amendments printed	622
Feb. 15	Amendments printed	675
Feb. 25	Amendments printed	800
Feb. 25	Amendments printed	801
Mar. 4	Considered. Amendments laid over	916
Mar. 5	Referred for review. Expedited	935
Mar. 6	Placed on Select File	957
Mar. 7	Referred for engrossment	989
Mar. 7	Returned to Select File. Referred for engrossment	1004
Mar. 11	Correctly engrossed	1032
Mar. 12	Returned to Select File. Referred for re-engrossment	1067
Mar. 12	Correctly re-engrossed	1075
Mar. 19	Final Reading	1167
Mar. 19	Expedited	1176
Mar. 19	Correctly enrolled. President signed. Presented to Governor	1181
Mar. 21	Approved by Governor	1256

LEGISLATIVE BILL 985 By Proud, at request of Governor

Jan. 22	Read first time. Referred to Committee on Appropriations	369
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 986 By Proud, at request of Governor

Jan. 22	Read first time. Referred to Committee on Appropriations	369
Jan. 29	Placed on General File	430
Jan. 30	Referred for review	445
Feb. 1	Placed on Select File	472
Feb. 4	Referred for engrossment	494
Feb. 5	Correctly engrossed	510
Feb. 8	Final Reading	558
Feb. 11	Correctly enrolled. President signed	582
Feb. 12	Presented to Governor	610
Feb. 14	Approved by Governor	651

LEGISLATIVE BILL 987 By Proud, at request of Governor

Jan. 22	Read first time. Referred to Committee on Appropriations	369
Jan. 29	Placed on General File	430
Jan. 30	Referred for review	445
Feb. 1	Placed on Select File	472
Feb. 4	Referred for engrossment	494
Feb. 5	Correctly engrossed	510
Feb. 8	Final Reading	559
Feb. 11	Correctly enrolled. President signed	582
Feb. 12	Presented to Governor	610
Feb. 14	Approved by Governor	651

LEGISLATIVE BILL 988 By Proud, at request of Governor

Jan. 22	Read first time. Referred to Committee on Appropriations	369
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 989 By Miscellaneous Subjects Committee

Jan. 23	Read first time	378
Jan. 23	Referred to Committee on Education	380
Jan. 29	Notice of hearing	407
Feb. 25	Indefinitely postponed	751

LEGISLATIVE BILL 989A By Miscellaneous Subjects Committee

Jan. 24	Read first time. Placed on General File	388
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 990 By Public Works Committee, Agriculture and Environment Committee

Jan.	24	Read first time	388
Jan.	24	Referred to Committee on Agriculture and Environment, Committee on Public Works	396
Feb.	4	Notice of hearing	490
Feb.	6	Notice of hearing, reset	516
Feb.	18	Notice of hearing, time change	694
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 991 By Judiciary Committee

Jan.	24	Read first time	389
Jan.	24	Referred to Committee on Urban Affairs	396
Jan.	29	Notice of hearing	416
Feb.	7	Placed on General File	549
Feb.	26	Referred for review	821
Mar.	4	Placed on Select File	899
Mar.	5	Referred for engrossment	927
Mar.	7	Replaced on Select File	992
Mar.	8	Referred for engrossment	1012
Mar.	11	Correctly engrossed	1032
Mar.	13	Final Reading	1109
Mar.	18	Correctly enrolled. President signed	1140
Mar.	19	Presented to Governor	1177
Mar.	20	Approved by Governor	1234

LEGISLATIVE BILL 992 By Judiciary Committee

Jan.	24	Read first time	389
Jan.	24	Referred to Committee on Urban Affairs	396
Jan.	29	Notice of hearing	416
Feb.	7	Placed on General File	549
Feb.	26	Referred for review	821
Mar.	4	Placed on Select File	899
Mar.	5	Referred for engrossment	927
Mar.	11	Correctly engrossed	1032
Mar.	13	Final Reading	1110
Mar.	18	Correctly enrolled. President signed	1140
Mar.	19	Presented to Governor	1177
Mar.	20	Approved by Governor	1234

LEGISLATIVE BILL 993 By Judiciary Committee

Jan. 24	Read first time	389
Jan. 24	Referred to Committee on Urban Affairs	396
Jan. 29	Notice of hearing	416
Feb. 7	Placed on General File	549
Feb. 26	Referred for review	821
Mar. 4	Placed on Select File	899
Mar. 5	Referred for engrossment	927
Mar. 11	Correctly engrossed	1032
Mar. 13	Final Reading	1111
Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Approved by Governor	1234

LEGISLATIVE BILL 994 By Judiciary Committee

Jan. 24	Read first time	389
Jan. 24	Referred to Committee on Urban Affairs	396
Jan. 29	Notice of hearing	416
Feb. 7	Placed on General File	549
Feb. 26	Referred for review	821
Mar. 4	Placed on Select File	899
Mar. 5	Referred for engrossment	927
Mar. 11	Correctly engrossed	1032
Mar. 13	Final Reading	1111
Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Approved by Governor	1234

LEGISLATIVE BILL 995 By Government, Military and Veterans Affairs Committee

Jan. 29	Read first time	416
Jan. 30	Referred to Committee on Labor	441
Feb. 1	Re-referred to Committee on Government, Military and Veterans Affairs.	483
Feb. 5	Notice of hearing	507
Feb. 6	Re-referred to Committee on Government, Military and Veterans Affairs	527
Feb. 28	Placed on General File	882
Feb. 28	Bracketed	885
Mar. 5	Referred for review	940
Mar. 7	Placed on Select File	994
Mar. 8	Referred for engrossment	1013
Mar. 18	Replaced on Select File	1138
Mar. 18	Motion. Motion lost	1164

Mar. 19	Referred for engrossment	1176
Mar. 19	Motion. Motion lost	1179
Mar. 21	Correctly engrossed	1237
Mar. 26	Final Reading	1335
Mar. 26	Correctly enrolled. Speaker signed	1343
Mar. 26	Presented to Governor	1350
Apr. 1	Approved by Governor	1437

LEGISLATIVE BILL 996 By Education Committee

Jan. 29	Read first time	416
Jan. 30	Referred to Committee on Education	441
Jan. 31	Notice of hearing	463
Feb. 25	Placed on General File	789
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 997 By Appropriations Committee

Jan. 29	Read first time	419
Jan. 30	Placed on General File	441
Jan. 30	Change of order	443
Feb. 13	Amendments printed. Laid over	625
Feb. 14	Amendments withdrawn. Laid over	642
Feb. 18	Amendment printed	682
Mar. 5	Amendments printed	936
Mar. 6	Motion. Motion prevailed. Amendment pending	967
Mar. 6	Amendments printed	971
Mar. 8	Amendments	1014
Mar. 12	Referred for review. Expedited	1077
Mar. 13	Placed on Select File	1128
Mar. 13	Referred for engrossment	1130
Mar. 18	Correctly engrossed	1140
Mar. 21	Final Reading. Expedited	1249
Mar. 21	Explanation of vote	1256
Mar. 21	Correctly enrolled. President signed	1263
Mar. 21	Presented to Governor	1268
Mar. 25	Message from Governor	1312
Mar. 25	Attorney General Opinion	1313
Mar. 25	Letter	1314
Mar. 27	Message from Governor	1375
Mar. 28	Became law without Governor's approval	1398

LEGISLATIVE BILL 998 By Nebraska Retirement Systems Committee

Jan. 29	Read first time	420
Jan. 30	Referred to Committee on Nebraska Retirement Systems	441
Feb. 1	Notice of hearing	478
Mar. 12	Placed on General File	1092
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 999 By Nebraska Retirement Systems Committee

Jan. 29	Read first time	420
Jan. 30	Referred to Committee on Nebraska Retirement Systems	441
Feb. 1	Notice of hearing	478
Mar. 12	Placed on General File	1092
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1000 By Nebraska Retirement Systems Committee

Jan. 29	Read first time	420
Jan. 30	Referred to Committee on Nebraska Retirement Systems	441
Feb. 1	Notice of hearing	478
Mar. 12	Placed on General File	1093
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1001 By Nebraska Retirement Systems Committee

Jan. 29	Read first time	420
Jan. 30	Referred to Committee on Nebraska Retirement Systems	442
Feb. 1	Notice of hearing	479
Feb. 28	Placed on General File	885
Mar. 8	Referred for review	1023
Mar. 13	Placed on Select File	1129
Mar. 13	Referred for engrossment	1130
Mar. 19	Correctly engrossed	1177
Mar. 22	Final Reading	1280
Mar. 22	Correctly enrolled. President signed	1284
Mar. 22	Presented to Governor	1286
Mar. 25	Explanation of vote	1301
Mar. 26	Approved by Governor	1341

LEGISLATIVE BILL 1002 By Nebraska Retirement Systems Committee

Jan.	29	Read first time	420
Jan.	30	Referred to Committee on Nebraska Retirement Systems	442
Feb.	1	Notice of hearing	479
Mar.	4	Notice of hearing, continued	902
Mar.	12	Placed on General File	1093
Apr.	3	Referred for review	1481
Apr.	8	Placed on Select File	1511
Apr.	8	Referred for engrossment	1521
Apr.	8	Correctly engrossed	1541
Apr.	11	Final Reading	1656
Apr.	11	Correctly enrolled. President signed	1660
Apr.	11	Presented to Governor	1666
Apr.	18	Approved by Governor	1691

LEGISLATIVE BILL 1003 By Nebraska Retirement Systems Committee

Jan.	29	Read first time	421
Jan.	30	Referred to Committee on Nebraska Retirement Systems	442
Feb.	1	Notice of hearing	479
Feb.	28	Placed on General File	885
Mar.	8	Referred for review	1023
Mar.	13	Placed on Select File	1129
Mar.	13	Referred for engrossment	1130
Mar.	18	Replaced on Select File	1140
Mar.	19	Referred for engrossment	1177
Mar.	21	Correctly engrossed	1254
Mar.	26	Final Reading	1336
Mar.	26	Correctly enrolled. Speaker signed	1343
Mar.	26	Presented to Governor	1350
Apr.	1	Approved by Governor	1409

LEGISLATIVE BILL 1004 By Nebraska Retirement Systems Committee

Jan.	29	Read first time	421
Jan.	30	Referred to Committee on Nebraska Retirement Systems	442
Feb.	1	Notice of hearing	479
Mar.	4	Placed on General File	901
Mar.	8	Referred for review	1023
Mar.	18	Placed on Select File	1159
Mar.	19	Referred for engrossment	1177
Mar.	21	Correctly engrossed	1254
Mar.	26	Final Reading	1337
Mar.	26	Correctly enrolled. Speaker signed	1343

CHRONOLOGY OF BILLS

1885

Mar. 26	Presented to Governor	1350
Apr. 1	Approved by Governor	1409

LEGISLATIVE BILL 1005 By Public Health and Welfare Committee

Jan. 30	Read first time	438
Jan. 30	Referred to Committee on Public Health and Welfare	442
Feb. 1	Notice of hearing	479
Feb. 28	Placed on General File	882
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1006 By Chambers

Jan. 30	Read first time	444
Jan. 30	Referred to Committee on Government, Military and Veterans Affairs	449
Feb. 5	Notice of hearing	507
Mar. 19	Indefinitely postponed	1199

LEGISLATIVE BILL 1007 By Government, Military and Veterans Affairs Committee

Jan. 31	Read first time	457
Jan. 31	Referred to Committee on Labor	463
Feb. 1	Notice of hearing	479
Feb. 6	Notice of hearing, corrected	520
Feb. 25	Placed on General File	750
Feb. 28	Referred for review	890
Mar. 5	Placed on Select File	924
Mar. 6	Referred for engrossment	948
Mar. 8	Replaced on Select File	1026
Mar. 11	Referred for engrossment	1047
Mar. 18	Correctly engrossed	1140
Mar. 21	Final Reading	1253
Mar. 21	Correctly enrolled. President signed	1263
Mar. 21	Presented to the Governor	1268
Mar. 25	Approved by Governor	1316

LEGISLATIVE BILL 1008 By Judiciary Committee

Feb. 1	Read first time	474
Feb. 1	Referred to Committee on Judiciary	477
Feb. 1	Notice of hearing	479
Feb. 26	Placed on General File	812
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1009 By Judiciary Committee

Feb. 1	Read first time	475
Feb. 1	Referred to Committee on Judiciary	477
Feb. 1	Notice of hearing	479
Feb. 25	Placed on General File	784
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1010 By Kennedy, at request of Governor

Feb. 4	Read first time	492
Feb. 4	Referred to Committee on Public Health and Welfare	499
Feb. 7	Notice of hearing	537
Feb. 27	Placed on General File	859
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1011 By Banking, Commerce and Insurance Committee

Feb. 4	Read first time	493
Feb. 4	Referred to Committee on Banking, Commerce and Insurance. Notice of hearing	499
Feb. 18	Placed on General File	678
Feb. 27	Referred for review	855
Mar. 5	Placed on Select File	922
Mar. 6	Referred for engrossment	947
Mar. 8	Replaced on Select File	1026
Mar. 11	Referred for engrossment	1046
Mar. 13	Correctly engrossed	1112
Mar. 20	Final Reading	1206
Mar. 21	Correctly enrolled. President signed	1237
Mar. 21	Presented to Governor	1263
Mar. 25	Approved by Governor	1316

LEGISLATIVE BILL 1012 By Banking, Commerce and Insurance Committee

Feb. 4	Read first time	494
Feb. 4	Referred to Committee on Banking, Commerce and Insurance. Notice of hearing	499
Feb. 25	Placed on General File	784
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1013 By Banking, Commerce and Insurance Committee

Feb.	4	Read first time	494
Feb.	4	Referred to Committee on Banking, Commerce and Insurance. Notice of hearing	499
Feb.	18	Placed on General File	678
Feb.	27	Referred for review	855
Mar.	5	Placed on Select File	922
Mar.	6	Referred for engrossment	947
Mar.	8	Correctly engrossed	1018
Mar.	13	Final Reading	1102
Mar.	18	Correctly enrolled. President signed	1140
Mar.	19	Presented to Governor	1177
Mar.	20	Approved by Governor	1234

LEGISLATIVE BILL 1014 By Banking, Commerce and Insurance Committee

Feb.	4	Read first time	494
Feb.	4	Referred to Committee on Banking, Commerce and Insurance. Notice of hearing	499
Feb.	18	Placed on General File	678
Feb.	27	Referred for review	855
Mar.	5	Placed on Select File	922
Mar.	6	Referred for engrossment	947
Mar.	8	Correctly engrossed	1018
Mar.	13	Final Reading	1103
Mar.	18	Correctly enrolled. President signed	1140
Mar.	19	Presented to Governor	1177
Mar.	20	Approved by Governor	1234

LEGISLATIVE BILL 1015 By Judiciary Committee

Feb.	4	Read first time	497
Feb.	4	Referred to Committee on Judiciary. Notice of hearing	499
Feb.	15	Placed on General File	670
Feb.	28	Bracketed	889
Mar.	4	Referred for review	916
Mar.	7	Placed on Select File	993
Mar.	8	Referred for engrossment	1013
Mar.	18	Correctly engrossed	1140

Mar. 21	Final Reading	1253
Mar. 21	Correctly enrolled. President signed	1263
Mar. 21	Presented to Governor	1268
Mar. 25	Approved by Governor	1316

LEGISLATIVE BILL 1016 By Miscellaneous Subjects Committee

Feb. 5	Read first time	507
Feb. 5	Referred to Committee on Miscellaneous Subjects. Notice of hearing	513
Feb. 25	Placed on General File	783
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1017 By Kremer, at request of Governor

Feb. 6	Read first time	518
Feb. 6	Referred to Committee on Public Works	527
Feb. 7	Notice of hearing	533
Feb. 18	Amendments printed	683
Feb. 26	Placed on General File	812
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1018 By Public Health and Welfare Committee

Feb. 6	Read first time	518
Feb. 6	Referred to Committee on Public Health and Welfare	527
Feb. 7	Notice of hearing	537
Feb. 27	Placed on General File	860
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1019 By Public Health and Welfare Committee

Feb. 6	Read first time	518
Feb. 6	Referred to Committee on Public Health and Welfare	527
Feb. 7	Notice of hearing	538
Mar. 19	Placed on General File	1178
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1020 By Public Health and Welfare Committee

Feb. 6	Read first time	519
Feb. 6	Referred to Committee on Public Health and Welfare	527
Feb. 7	Notice of hearing	538
Feb. 28	Placed on General File	877
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1021 By Miscellaneous Subjects Committee

Feb.	7	Read first time	536
Feb.	7	Referred to Committee on Miscellaneous Subjects	543
Feb.	8	Notice of hearing	578
Feb.	25	Placed on General File	783
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 1022 By Fellman, at request of Governor

Feb.	7	Read first time	536
Feb.	7	Referred to Committee on Miscellaneous Subjects	543
Feb.	8	Notice of hearing	578
Mar.	6	Placed on General File	966
Apr.	11	Indefinitely postponed	1684

**LEGISLATIVE BILL 1023 By Government, Military and Veterans
Affairs Committee**

Feb.	7	Read first time	536
Feb.	7	Referred to Committee on Agriculture and Environment	543
Feb.	8	Notice of hearing	556
Apr.	11	Indefinitely postponed	1684

LEGISLATIVE BILL 1024 By Urban Affairs Committee

Feb.	7	Read first time	537
Feb.	7	Referred to Committee on Urban Affairs	543
Feb.	7	Notice of hearing	544
Feb.	18	Placed on General File	681
Feb.	28	Considered	886
Feb.	28	Referred for review	887
Mar.	5	Placed on Select File	923
Mar.	6	Referred for engrossment	947
Mar.	8	Replaced on Select File	1008
Mar.	11	Referred for engrossment	1045
Mar.	13	Correctly engrossed	1112
Mar.	20	Returned to Select File	1207
Mar.	20	Referred for re-engrossment	1211
Mar.	21	Correctly re-engrossed	1237
Mar.	26	Final Reading	1337
Mar.	26	Correctly enrolled. Speaker signed	1343
Mar.	26	Presented to Governor	1350
Apr.	1	Approved by Governor	1409

LEGISLATIVE BILL 1025 By Urban Affairs Committee

Feb. 7	Read first time	537
Feb. 7	Referred to Committee on Urban Affairs	543
Feb. 7	Notice of hearing	544
Feb. 18	Placed on General File	681
Feb. 27	Referred for review	856
Mar. 5	Placed on Select File	923
Mar. 6	Referred for engrossment	947
Mar. 8	Correctly engrossed	1018
Mar. 13	Final Reading	1104
Mar. 18	Correctly enrolled. President signed	1140
Mar. 19	Presented to Governor	1177
Mar. 20	Approved by Governor	1234

LEGISLATIVE BILL 1026 By Urban Affairs Committee

Feb. 7	Read first time	537
Feb. 7	Referred to Committee on Urban Affairs	543
Feb. 7	Notice of hearing	544
Feb. 18	Placed on General File	681
Feb. 27	Laid over	856
Mar. 21	Bracketed	1257
Mar. 27	Amendment printed	1359
Apr. 3	Referred for review	1488
Apr. 8	Placed on Select File	1515
Apr. 8	Referred for engrossment	1521
Apr. 8	Correctly engrossed	1541
Apr. 11	Final Reading	1657
Apr. 11	Correctly enrolled. President signed	1660
Apr. 11	Presented to Governor	1666
Apr. 18	Approved by Governor	1692

LEGISLATIVE BILL 1027 By Urban Affairs Committee

Feb. 7	Read first time	537
Feb. 7	Referred to Committee on Urban Affairs	543
Feb. 7	Notice of hearing	544
Feb. 18	Placed on General File	681
Feb. 25	Indefinitely postponed	748

LEGISLATIVE BILL 1028 By Agriculture and Environment Committee

Feb. 8	Read first time	567
Feb. 8	Referred to Committee on Judiciary	578
Feb. 14	Notice of hearing	656

CHRONOLOGY OF BILLS

1891

Mar.	5	Placed on General File	937
Mar.	5	Change of order	939
Mar.	6	Amendment pending	960
Mar.	6	Co-introducer added. Referred for review	963
Mar.	8	Placed on Select File	1028
Mar.	11	Referred for engrossment	1056
Mar.	11	Expedited	1062
Mar.	13	Laid over	1114
Mar.	13	Amendment printed	1115
Mar.	18	Returned to Select File	1152
Mar.	18	Motion. Motion lost. Referred for engrossment	1153
Mar.	18	Returned to Select File. Referred for engrossment	1154
Mar.	19	Replaced on Select File	1186
Mar.	20	Referred for engrossment	1211
Mar.	20	Returned to Select File	1218
Mar.	20	Referred for engrossment. Motion. Motion pending	1219
Mar.	20	Motion withdrawn	1221
Mar.	20	Returned to Select File. Referred for engrossment	1230
Mar.	20	Replaced on Select File	1234
Mar.	21	Referred for engrossment	1260
Mar.	21	Motion. Motion pending	1263
Mar.	25	Correctly engrossed	1317
Apr.	2	Returned to Select File. Referred for re-engrossment	1440
Apr.	2	Returned to Select File	1443
Apr.	2	Referred for re-engrossment	1444
Apr.	8	Replaced on Select File	1496
Apr.	8	Referred for re-engrossment	1516
Apr.	8	Correctly re-engrossed	1518
Apr.	10	Final Reading	1607
Apr.	10	Correctly enrolled	1612
Apr.	10	President signed	1613
Apr.	10	Presented to Governor	1624
Apr.	11	Explanation of vote	1653
Apr.	18	Approved by Governor	1692

LEGISLATIVE BILL 1028A By Carpenter

Mar.	6	Read first time. Placed on General File	957
Mar.	7	Change of order	1001
Mar.	7	Referred for review	1002
Mar.	8	Placed on Select File	1030

Mar. 11	Referred for engrossment	1058
Mar. 11	Expedited	1062
Mar. 13	Laid over	1114
Mar. 25	Correctly engrossed	1317
Apr. 10	Final Reading	1607
Apr. 10	Correctly enrolled	1612
Apr. 10	President signed	1613
Apr. 10	Presented to Governor	1624
Apr. 11	Explanation of vote	1653
Apr. 18	Approved by Governor. Line item veto	1695
Apr. 18	Letter	1700

LEGISLATIVE BILL 1029 By Agriculture and Environment Committee

Feb. 8	Read first time	567
Feb. 8	Referred to Committee on Agriculture and Environment	578
Feb. 12	Notice of hearing	599
Feb. 18	Notice of hearing, reset	694
Feb. 28	Placed on General File	865
Apr. 3	Referred for review	1474
Apr. 8	Placed on Select File	1509
Apr. 8	Referred for engrossment	1519
Apr. 8	Correctly engrossed	1541
Apr. 11	Final Reading	1658
Apr. 11	Correctly enrolled. President signed	1660
Apr. 11	Presented to Governor	1666
Apr. 18	Approved by Governor	1691

LEGISLATIVE BILL 1030 By Constitutional Revision and Recreation Committee

Feb. 11	Read first time	583
Feb. 11	Referred to Committee on Constitutional Revision and Recreation	589
Feb. 12	Notice of hearing	610
Feb. 26	Indefinitely postponed	820

LEGISLATIVE BILL 1031 By Constitutional Revision and Recreation Committee

Feb. 11	Read first time	583
Feb. 11	Referred to Committee on Constitutional Revision and Recreation	589
Feb. 12	Notice of hearing	610
Feb. 25	Indefinitely postponed	795

LEGISLATIVE BILL 1032 By Miscellaneous Subjects Committee

Feb. 11	Read first time	583
Feb. 11	Referred to Committee on Miscellaneous Subjects	589
Feb. 12	Notice of hearing	617
Mar. 6	Placed on General File	966
Apr. 3	Indefinitely postponed	1478

LEGISLATIVE BILL 1033 By Miscellaneous Subjects Committee

Feb. 11	Read first time	584
Feb. 11	Referred to Committee on Constitutional Revision and Recreation	589
Feb. 12	Notice of hearing	610
Feb. 25	Indefinitely postponed	795
Feb. 25	Motion. Motion pending	801
Feb. 26	Motion renewed. Motion lost	815

LEGISLATIVE BILL 1034 By Rules Committee

Feb. 12	Read first time	609
Feb. 12	Placed on General File	614
Feb. 14	Referred for review. Expedited	655
Feb. 15	Placed on Select File	658
Feb. 15	Referred for engrossment	664
Feb. 18	Correctly engrossed	681
Feb. 26	Final Reading	806
Feb. 28	Correctly enrolled. President signed	864
Feb. 28	Presented to Governor	876
Mar. 5	Approved by Governor	921

LEGISLATIVE BILL 1035 By Agriculture and Environment Committee

Feb. 12	Read first time	610
Feb. 12	Referred to Committee on Agriculture and Environment	614
Feb. 13	Notice of hearing	622
Feb. 18	Notice of hearing, reset	694
Mar. 11	Placed on General File	1051
Mar. 25	Amendment printed	1301
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1035A By Agriculture and Environment Committee

Mar. 18	Read first time. Placed on General File	1151
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1036 By Appropriations Committee

Feb. 13	Read first time	631
Feb. 14	Placed on General File. Referred for review. Expedited	655
Feb. 15	Placed on Select File	658
Feb. 15	Referred for engrossment	665
Feb. 18	Correctly engrossed	681
Feb. 26	Final Reading	808
Feb. 26	Correctly enrolled	819
Feb. 28	President signed	862
Feb. 28	Presented to Governor	871
Mar. 4	Approved by Governor	895

LEGISLATIVE BILL 1037 By Agriculture and Environment Committee

Feb. 14	Read first time	637
Feb. 14	Referred to Committee on Agriculture and Environment	655
Feb. 15	Notice of hearing	670
Feb. 18	Notice of hearing, reset	694
Feb. 26	Placed on General File	818
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1038 By Judiciary Committee

Feb. 14	Read first time	640
Feb. 14	Placed on General File	655
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1039 By Judiciary Committee

Feb. 14	Read first time	641
Feb. 14	Placed on General File	655
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1040 By Judiciary Committee

Feb. 14	Read first time	641
Feb. 14	Referred to Committee on Judiciary	655
Feb. 14	Notice of hearing	656
Mar. 19	Placed on General File	1195
Apr. 3	Referred for review	1486
Apr. 8	Placed on Select File	1512
Apr. 9	Referred for engrossment	1553
Apr. 9	Replaced on Select File	1578
Apr. 9	Referred for engrossment	1581

CHRONOLOGY OF BILLS

1895

Apr. 9	Correctly engrossed	1582
Apr. 11	Final Reading	1638
Apr. 11	Correctly enrolled. President signed	1640
Apr. 11	Presented to Governor	1653
Apr. 18	Returned by Governor without approval	1698
Apr. 18	Attorney General Opinion	1699
Apr. 18	Letter	1701

LEGISLATIVE BILL 1041 By Judiciary Committee

Feb. 14	Read first time	641
Feb. 14	Referred to Committee on Constitutional Revision and Recreation. Notice of hearing	655
Feb. 26	Indefinitely postponed	820

LEGISLATIVE BILL 1042 By Agriculture and Environment Committee

Feb. 18	Read first time	693
Feb. 18	Referred to Committee on Agriculture and Environment	694
Feb. 19	Notice of hearing	718
Feb. 27	Notice of hearing, continued	831
Mar. 25	Placed on General File	1305
Mar. 25	Amendment printed	1325
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1043 By Miscellaneous Subjects Committee

Feb. 18	Read first time	693
Feb. 18	Referred to Committee on Miscellaneous Subjects	694
Feb. 25	Notice of hearing	768
Mar. 6	Placed on General File	966
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1044 By Labor Committee

Feb. 18	Read first time	693
Feb. 18	Referred to Committee on Labor. Notice of hearing	694
Mar. 25	Placed on General File	1301
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1045 By Miscellaneous Subjects Committee

Feb. 18	Read first time	693
Feb. 18	Referred to Committee on Labor	694
Feb. 19	Notice of hearing	718
Mar. 11	Indefinitely postponed	1062

LEGISLATIVE BILL 1046 By Warner

Feb. 18	Read first time	693
Feb. 18	Referred to Committee on Government, Military and Veterans Affairs	694
Mar. 8	Notice of hearing	1018
Mar. 20	Placed on General File	1229
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1047 By Revenue Committee

Feb. 19	Read first time	720
Feb. 19	Referred to Committee on Revenue. Notice of hearing	725
Mar. 5	Placed on General File	937
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1048 By Revenue Committee

Feb. 25	Read first time	785
Feb. 25	Placed on General File	786
Mar. 22	Amendments printed	1271
Apr. 3	Referred for review	1472
Apr. 8	Placed on Select File	1506
Apr. 8	Referred for engrossment	1518
Apr. 8	Replaced on Select File. Referred for engrossment	1541
Apr. 8	Correctly engrossed	1542
Apr. 11	Final Reading	1659
Apr. 11	Correctly enrolled	1666
Apr. 11	President signed	1667
Apr. 11	Presented to Governor	1673
Apr. 18	Approved by Governor	1690

LEGISLATIVE BILL 1049 By Labor Committee

Feb. 26	Read first time	809
Feb. 26	Placed on General File	816
Mar. 6	Returned to Committee on Labor. Notice of hearing	959

CHRONOLOGY OF BILLS

1897

Mar. 25	Placed on General File	1302
Mar. 25	Change of order	1308
Mar. 27	Referred for review	1373
Mar. 28	Placed on Select File	1400
Apr. 3	Referred for engrossment	1492
Apr. 8	Replaced on Select File	1502
Apr. 8	Referred for engrossment	1517
Apr. 8	Correctly engrossed	1518
Apr. 10	Final Reading	1599
Apr. 10	Correctly enrolled	1601
Apr. 10	President signed. Presented to Governor	1602
Apr. 11	Explanation of vote	1653
Apr. 18	Approved by Governor	1690

LEGISLATIVE BILL 1050 By Labor Committee

Feb. 26	Read first time	809
Feb. 26	Placed on General File	816
Mar. 6	Returned to Committee on Labor. Notice of hearing	959
Apr. 8	Indefinitely postponed	1526

LEGISLATIVE BILL 1051 By Public Health and Welfare Committee

Feb. 26	Read first time	809
Feb. 26	Referred to Committee on Public Health and Welfare. Notice of hearing	816
Mar. 13	Placed on General File	1123
Mar. 28	Motion. Motion lost	1397
Apr. 1	Explanation of vote	1427
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1052 By Public Health and Welfare Committee

Mar. 6	Read first time	962
Mar. 6	Placed on General File	963
Mar. 13	Motion. Motion prevailed	1124
Apr. 11	Indefinitely postponed	1684

LEGISLATIVE BILL 1053 By Appropriations Committee

Mar. 18	Read first time. Placed on General File	1146
Mar. 20	Amendments. Amendments lost	1230
Mar. 20	Amendments. Amendments pending	1231

Mar. 22	Amendments. Referred for review	1296
Mar. 25	Placed on Select File	1303
Mar. 25	Laid over	1312
Mar. 26	Amendments. Amendments adopted. Amendments renewed	1340
Mar. 26	Amendments printed	1342
Mar. 26	Amendments printed. Amendments renewed	1343
Mar. 27	Referred for engrossment	1355
Mar. 27	Replaced on Select File	1367
Mar. 28	Referred for engrossment	1385
Apr. 1	Correctly engrossed	1418
Apr. 10	Final Reading	1593
Apr. 10	Correctly enrolled. President signed	1595
Apr. 10	Presented to Governor	1601
Apr. 11	Explanation of vote	1653
Apr. 11	Approved by Governor. Line item veto	1669
Apr. 11	Motion. Motion lost	1673
Apr. 18	Letter	1691

LEGISLATIVE BILL 1054 By Appropriations Committee

Mar. 18	Read first time. Placed on General File	1146
Mar. 25	Title read and considered	1312
Mar. 25	Amendments printed	1317
Mar. 26	Considered	1348
Mar. 26	Amendments printed	1350
Mar. 27	Amendments offered	1360
Mar. 27	Amendments	1363
Mar. 27	Amendments	1365
Mar. 27	Amendments adopted. Amendments renewed	1366
Mar. 27	Amendments lost	1369
Mar. 27	Amendments renewed. Amendments adopted	1370
Mar. 27	Amendments printed. Referred for review	1371
Mar. 28	Amendments printed	1391
Mar. 28	Placed on Select File	1398
Mar. 28	Amendments printed	1405
Apr. 1	Amendments	1430
Apr. 1	Amendments	1431
Apr. 1	Amendments	1432
Apr. 1	Amendments	1433
Apr. 1	Amendments	1434
Apr. 1	Amendments. Referred for engrossment	1435
Apr. 2	Returned to Select File	1444

CHRONOLOGY OF BILLS

1899

Apr. 2	Referred for engrossment. Returned to Select File. Referred for engrossment. Returned to Select File. Referred for engrossment	1445
Apr. 8	Replaced on Select File	1498
Apr. 8	Referred for engrossment	1516
Apr. 8	Correctly engrossed	1518
Apr. 10	Final Reading	1594
Apr. 10	Correctly enrolled. President signed	1596
Apr. 10	Presented to Governor	1601
Apr. 11	Explanation of vote	1653
Apr. 11	Approved by Governor. Line item veto	1669
Apr. 11	Passed over Governor's veto	1674
Apr. 11	Delivered to Secretary of State	1676
Apr. 18	Letter	1688

LEGISLATIVE BILL 1055 By Appropriations Committee

Mar. 18	Read first time	1162
Mar. 18	Placed on General File	1163
Mar. 27	Referred for review	1373
Mar. 27	Amendments printed	1377
Mar. 27	Amendments printed	1383
Mar. 28	Amendment printed	1393
Mar. 28	Placed on Select File	1399
Apr. 2	Amendments	1461
Apr. 2	Amendments printed	1463
Apr. 3	Referred for engrossment	1491
Apr. 8	Replaced on Select File	1501
Apr. 8	Referred for engrossment	1517
Apr. 8	Correctly engrossed	1518
Apr. 10	Final Reading	1595
Apr. 10	Correctly enrolled. President signed	1597
Apr. 10	Presented to Governor	1602
Apr. 11	Explanation of vote	1653
Apr. 11	Approved by Governor. Line item veto	1669
Apr. 11	Motion. Motion lost	1675
Apr. 11	Reconsidered. Passed over Governor's line item veto	1680
Apr. 18	Delivered to Secretary of State. Letter	1687

LEGISLATIVE BILL 1056 By Appropriations Committee

Mar. 18	Read first time. Placed on General File	1163
Mar. 27	Referred for review	1373
Mar. 28	Amendment printed	1394
Mar. 28	Placed on Select File	1399

Apr. 2	Amendments printed	1464
Apr. 3	Referred for engrossment	1491
Apr. 8	Replaced on Select File	1502
Apr. 8	Referred for engrossment	1517
Apr. 8	Correctly engrossed	1518
Apr. 9	Returned to Select File. Referred for re-engrossment	1552
Apr. 9	Replaced on Select File	1560
Apr. 9	Referred for re-engrossment	1565
Apr. 9	Correctly re-engrossed	1570
Apr. 11	Final Reading	1637
Apr. 11	Correctly enrolled. President signed	1640
Apr. 11	Presented to Governor	1653
Apr. 18	Approved by Governor	1689

LEGISLATIVE BILL 1057 By Appropriations Committee

Mar. 18	Read first time. Placed on General File	1163
Mar. 21	Amendments printed	1266
Mar. 21	Amendments adopted	1267
Mar. 27	Referred for review	1373
Mar. 27	Amendments printed	1378
Mar. 28	Amendment printed	1394
Mar. 28	Placed on Select File	1399
Apr. 1	Amendments	1436
Apr. 2	Amendments	1448
Apr. 2	Referred for engrossment	1453
Apr. 3	Explanation	1494
Apr. 8	Replaced on Select File	1500
Apr. 8	Referred for engrossment	1517
Apr. 8	Correctly engrossed	1518
Apr. 10	Final Reading	1596
Apr. 10	Correctly enrolled. President signed	1599
Apr. 10	Presented to Governor	1602
Apr. 10	Approved by Governor	1612
Apr. 11	Explanation of vote	1653

LEGISLATIVE BILL 1058 By Appropriations Committee

Mar. 18	Read first time. Placed on General File	1163
Mar. 27	Referred for review	1373
Mar. 28	Amendment printed	1394
Mar. 28	Placed on Select File	1400
Apr. 2	Amendment printed	1465
Apr. 3	Referred for engrossment	1491
Apr. 8	Replaced on Select File	1502
Apr. 8	Referred for engrossment	1517

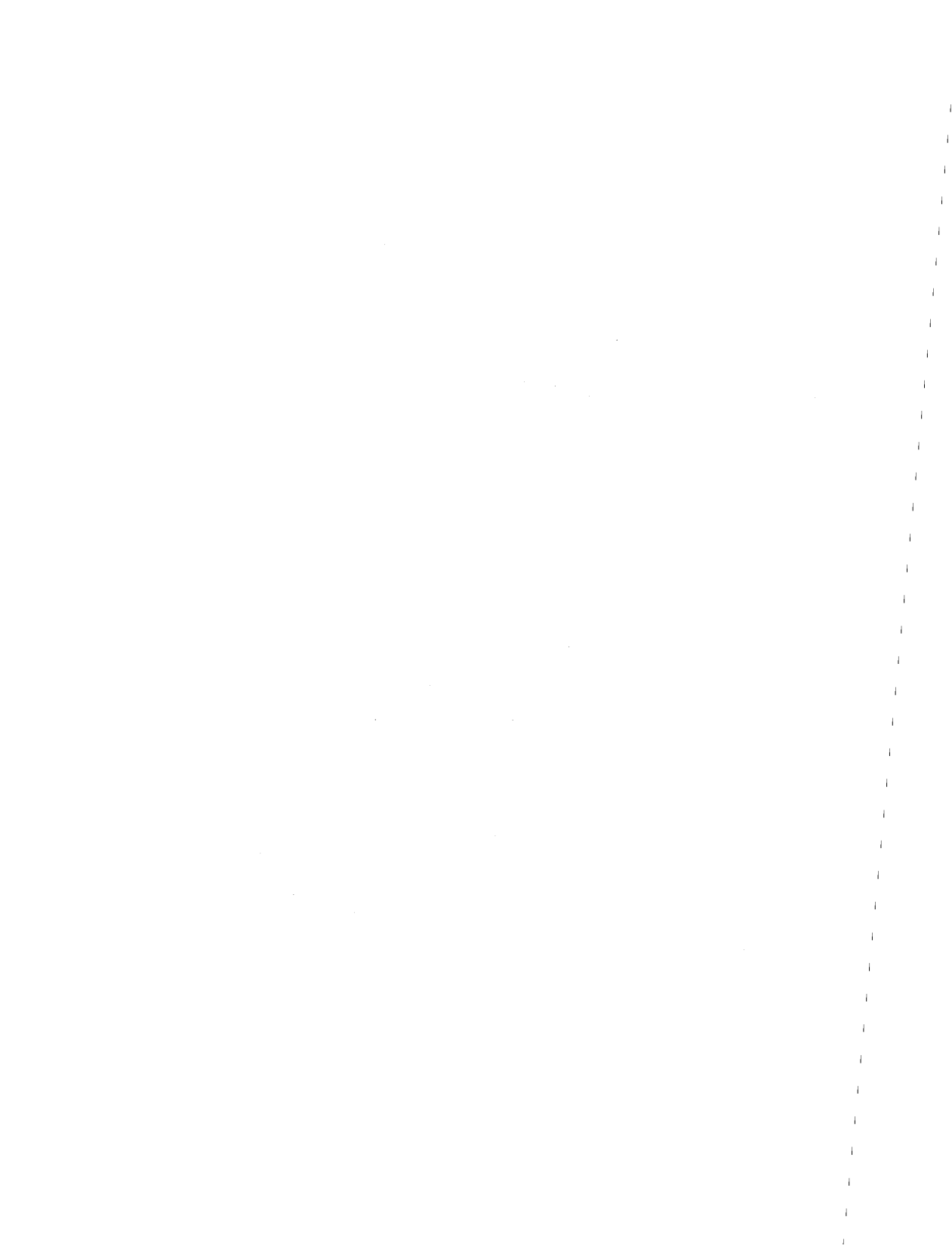
CHRONOLOGY OF BILLS

1901

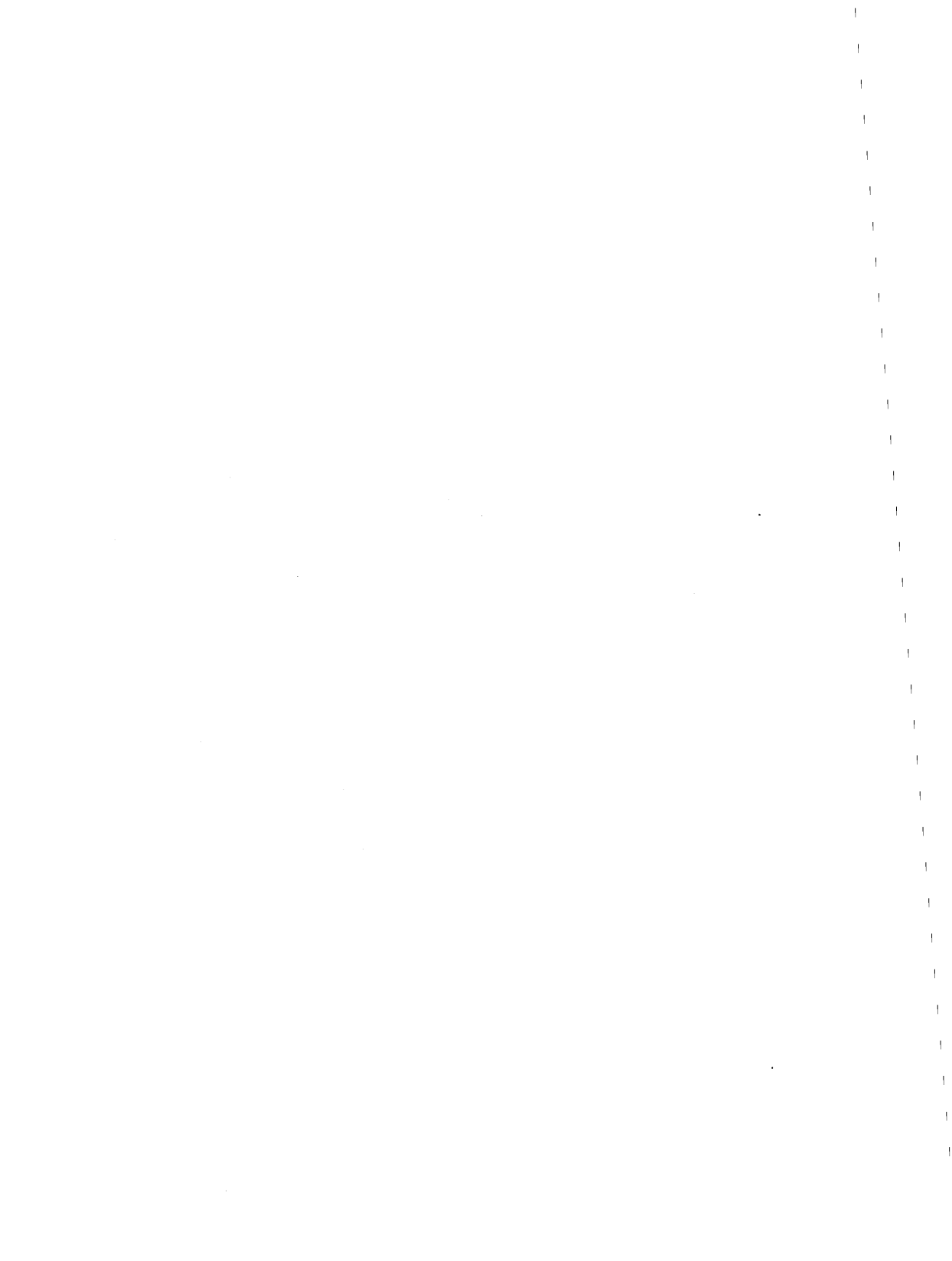
Apr. 8	Correctly engrossed	1518
Apr. 10	Final Reading	1597
Apr. 10	Correctly enrolled. President signed	1599
Apr. 10	Presented to Governor	1602
Apr. 10	Approved by Governor	1612
Apr. 11	Explanation of vote	1653

LEGISLATIVE BILL 1059 By Appropriations Committee

Mar. 19	Read first time	1199
Mar. 19	Placed on General File	1200
Mar. 25	Change of order	1308
Mar. 27	Referred for review	1373
Mar. 27	Amendments printed	1379
Mar. 28	Amendment printed	1394
Mar. 28	Placed on Select File	1400
Apr. 2	Referred for engrossment	1455
Apr. 8	Replaced on Select File	1501
Apr. 8	Referred for engrossment	1517
Apr. 8	Correctly engrossed	1518
Apr. 10	Final Reading	1598
Apr. 10	Correctly enrolled. President signed	1601
Apr. 10	Presented to Governor	1602
Apr. 10	Approved by Governor	1612
Apr. 11	Explanation of vote	1653







LEGISLATIVE BILLS

By Original Introdurers*

GARY L. ANDERSON

- 863 Changes provisions for school buses and drivers.
- 864 Requires County Clerks to keep voter registration records current in counties of 50,000 population or less.
- 865 Establishes mandatory hunter safety training programs for persons under the age of 16.
- 865A Appropriation bill.
- 866 Liberalizes limitations on Nebraska adoption laws for children from other states.
- 867 Allows unwed mother to put her child up for adoption without consent of the father.
- 909 Enacts the Interstate Compact on the Placement of Children.
- 910 Further limits the holding of closed meetings by public agencies.
- 911 Establishes the Nebraska Optometry Education Assistance Contract Program.
- 954 Broadens the law related to bank deposit of county funds.
- 955 Levies an additional registration fee on motor vehicles according to its weight.

WALLY BARNETT, JR.

- 499A Appropriation bill.
- 620 Grants certain county courts exclusive original jurisdiction of cases involving children 18 and under.
- 621 Change requirements necessary to be a recognized disabled veteran organization.
- 622 Provide a nominating commission to aid in the selection of the State Fire Marshal.
- 626 Eliminate provisions concerning prepayment of interest after maturity on bank loans.
- 678 Permits exceptions to municipal elections during statewide primaries.
- 679 Permit only qualified technicians to give blood tests to determine alcoholic content.
- 717 Expands powers of the railroad transportation safety districts.
- 849 Permits teacher contract termination only for just cause.
- 947 Allows only proven derogatory information in employee evaluation reports.
- 927 with others.

*See also Bills Introduced by Committee, page 1921 and Chronology of Bills, page 1733.

J. W. BURBACH

- 826 Adopt the Uniform Standard Code for Mobile Homes and Recreational Vehicles.
- 826A Appropriation bill.
- 914 Authorizes the State Board of Agriculture to issue revenue bonds for improvements to the State Fair Grounds.
- 941 Permits overloading of highway vehicles from November 1 to April 1.
- 942 Eliminates requirement of annual filing of homestead tax exemption claim.
- 943 Provides credit against income tax for Nebraska family with children and an unemployed mother.

TERRY CARPENTER

- 613 Changes the definition of household income for taxation purposes.
- 614 Prohibits certain contributions to state office candidates.
- 615 Deletes state appropriation and property tax levy from the budgets of technical community colleges.
- 616 Amends resale provisions applicable to licensed retailers of liquor.
- 617 Provides for licensing of sellers of obscene material.
- 618 Permits a residence rental property tax credit to certain elderly.
- 619 Constitutional amendment providing the Legislature with greater discretion in granting homestead exemptions.
- 754 Revises generally the provisions of the motor vehicle laws.
- 754A Appropriation bill.
- 803 Adopt the Bank Holding Company Act.
- 983A Appropriation bill.
- 1028A Appropriation bill.

CALVIN F. CARSTEN

- 608 Provides certain optional maintenance for abandoned cemeteries.
- 790 Amends state planning law to provide for state financial assistance to councils of governments.
- 790A Appropriation bill.
- 806 Requires reflectorized warning decals on long vehicles.
914 with others.

FRED W. CARSTENS

- 663 Requires banks to file a list of stockholders with the Department of Banking.
- 664 Extends the time for bringing action on inheritance tax liens.
- 665 Amends definition of employee under the minimum wage scale.
- 666 Terminates the lien on real estate of unpaid judgments for court costs.

- 714 Authorizes banks to establish certain minimum loan charges on loans up to \$75 and over.
- 730 Revises generally the condominium property act.
- 755 Clarifies notice and deadline provisions related to the law on decedents' estates.
- 832 Permits retired judges to hold court to relieve congested dockets.

JOHN J. CAVANAUGH III

- 700 Establishes the Criminal Offender Records Control Committee.
- 708 Requires additional lobbying information and disallows former senators from lobbying for 4 years.
- 709 Repeals provision preventing cities from controlling air pollution in outside fringe areas.
- 710 Increases total disability awards under workmen's compensation to average wages generally.
- 711 Requires disqualification of a judge to hear a case by motion or affidavit.
- 783 Permits sale and consumption of liquor on college and university campuses.
- 903 Creates advisory board to aid Department of Institutions in providing services for visually impaired.
- 904 Requires building contractors and lending institutions to keep separate accounts with respect to labor and material claims.
- 945 Provides for erection of a state office building in Omaha.

ERNEST CHAMBERS

- 659 Include household domestic servants under workmen's compensation and add an additional judge to the Workmen's Compensation Court.
- 705 Eliminates prerequisite requirement that law college graduates in Nebraska must pass a Bar exam as a prerequisite to practice law.
- 750 Clarifies provisions for exemptions from attachment of servicemen pensions.
- 811 Repeals law denying aliens from holding certain offices.
- 812 Requires modeling schools to be state regulated.
- 1006 Permits registered independents to vote any political party at the primary election.
899, 900, 901 and 902 with others.

ROBERT L. CLARK

- 609 Change the meeting frequency for the city council in first class cities.
- 610 Broaden property tax exemptions to the Documentary Stamp Act.
- 611 Permit taking a drivers exam prior to the 16th birthday.

- 612 Changes licensure requirements for real estate appraisers.
- 762 Prevents regulation of governmental subdivisions when they engage in transportation of the elderly.
- 804 Increase the fee paid to the Oil and Gas Conservation Commission.
- 969 Exempts the value of a lease from personal property taxation.

JOHN W. DECAMP

- 651 Exempts Nebraska with the Central Time Zone from compliance with year-round Daylight Saving Time.
- 749 Allows public power districts to construct facilities to meet extra service requirements.
- 850 Amends traffic violation point system to subtract 6 points for driving with a certain minimum of alcohol in the blood.
- 851 Permits interest rates higher than 9% where agreed to by the debtor.
- 894 Establishes a new crop share rental basis for state school lands and variously revises related law.
- 895 Requires liquor sold to retailers be at a similar FOB delivered price.
- 896 Broadens coverage of state life insurance to employees to cover spouses and children and provide for double indemnity for accidental death.
- 964 Adopt the Comprehensive Health Education Act.
- 968 Requires certain financial institutions to pay interest on escrow accounts.
- 971 Constitutional amendment to provide for tax and expenditure limitations on both state and local government.

JAMES A. DICKINSON

- 757 Grants additional contract authority to sanitary and improvement districts.
- 821 Requires re-registration of passenger cars on an annual basis from the date of initial registration.
- 928 Clarifies law for taxation of cabin trailers used as living quarters.

HERBERT J. DUIS

- 603 Decrease the salary of the Lt. Governor.
- 605 Grants power to the Governor to raise or lower speed limits during emergencies.
- 660 Directs the Nebraska Commission on Aging to disburse certain funds to local and county subdivisions providing transportation services for the elderly.

- 764 Permit Director of Insurance to find certain rates filed to be excessive.
- 820 Exempts occasional sales of \$200 or less from sales tax.
- 958 Increases financial support to schools from the School Foundation and Equalization Fund.
- 959 Authorizes counties to issue bonds for community buildings for community enterprises.

WALTER H. EPKE

- 934 Provide for registration and regulation of feedlots within the brand inspection area.
- 935 Revises Brand Law to provide when an application for brand registration may be denied.
- 790 with others.

RICHARD M. FELLMAN

- 760 Constitutional amendment granting relief from taxation of forest lands and obsolete or blighted areas.
- 780 Impose a sales tax on lodging in Douglas County with revenue to encourage tourism and conventions.
- 781 Clarifies authority of the Director of Insurance to regulate variable life insurance.
- 782 Requires the Douglas County Board to serve also as a County Board of Corrections.
- 844 Permits insurers to publish certain financial statements.
- 845 Permits financial institutions to invest in bonds of the State of Israel.
- 846 Constitutional amendment prohibiting a sales tax on food.
- 847 Establishes a pupil transportation safety program.
- 951 Revises civil procedures with reference to service of process on out-of-state companies.
- 1022 Limits political campaign expenditures and receipts.

STEVE FOWLER

- 696 Makes the employer liable for certain appliances, supplies and prosthetic devices under Workmen's Compensation Law.
- 697 Adopt the Nebraska Interstate Corrections Compact.
- 698 Eliminates requirement that children be of normal and sound mind to enter the Nebraska Center for Children and Youth.
- 761 Establishes a system of control of beverage containers and their re-use and refund requirements.
- 775 Increases the weekly maximum benefit under the Unemployment Security Law.

- 776 Prevents lobbyists from housing or entertaining elected public officials.
- 824 Allows cities, villages and counties to accept and expend revenue-sharing funds.
- 825 Authorizes Lincoln to levy taxes to support a Community Development Agency.
- 872 Requires that no full-time State employees shall receive a salary under \$6,500.
- 783 with others.

GLENN GOODRICH

- 653 Deletes a public notice provision related to eminent domain.
- 654 Clarifies municipal law with respect to resolutions.
- 655 Eliminates Omaha from laws relating to public notice of special assessments.
- 656 Permits certain cities to join with others in power facility and distribution arrangements.
- 815 Prohibits sale, distribution or display of certain obscene material to minors.
- 838 Grants educational scholarships to children of firemen killed during performance of his duty.
- 839 Pays \$25,000 death benefit to beneficiary of firemen killed in line of duty.
- 960 Permits creditor disposition of unclaimed property on which services have been performed.
- 962 Requires pawnbrokers to take fingerprints or receive colored photographs from persons pawning items.
- 963 Amends generally the law related to the profession of nursing.

WILLIAM H. HASEBROOCK

- 639 Increase salaries of members on Nebraska Collection Agency Board.
- 640 Broaden the Water Pollution Control Tax Refund Act to include refunds on air pollution devices.
- 695 Allows banks to include cost of credit life and accident insurance in personal loan charges.
- 822 Requires irrigation districts to set water rates high enough to assure profitable operation.

E. THOME JOHNSON

- 769 Makes it unlawful to divert water onto public roads so as to make them impassable.
- 840 Adds dentists to those medical practitioners assured payment under health policies.

- 912 Provides fiduciary savings accounts for building and loan associations.
- 913 Limits future advances on real property mortgages. 821, 914 with others.

RALPH D. KELLY

- 661 Change legislative apportionment for the City of Grand Island.
- 662 Requires registration of locksmiths.
- 677 Provides how all campaign receipts and expenditures shall be handled.
- 680 Removes restriction against banks taking real estate as security for personal loans.
- 807 Provides workmen's compensation for loss of limb.
- 808 Creates a vocational rehabilitation fund under workmen's compensation law.
- 880 Revises generally the motor vehicle law concerning licensing of salesmen and dealers.
- 952 Requires district court clerks to keep separate records of all divorce decrees that order child support payments.
- 953 Permits county attorney to request investigation of assistance payment applications made by infants or their relatives.
- 972 Requires Director of Public Welfare to provide statewide child care services.

THOMAS C. KENNEDY

- 223A Appropriation bill.
- 859 Change name of Department of Public Welfare to the Department of Human Services.
- 929 Permits discretionary increase of highway load limits by the Department of Roads.
- 977 Increases maximum ADC payments to families with one child and for each additional child.
- 977A Appropriation bill.
- 1010 Change name of Beatrice State Home to Beatrice State Developmental Center.

ORVAL A. KEYES

- 628 Prevents county attorneys and deputy county attorneys from private practice in counties of more than 60,000 inhabitants.
- 629 Provides for approval of a comprehensive plan for sanitary improvement districts.
- 630 Provide a Civil Service Commission in counties with 60,000 inhabitants or more.

- 752 Increases and limits the farm and business personal property exemption.
- 753 Applies highway funds toward construction of footpaths and bicycle trails.
- 801 Amends annually the state classification and pay plan to reflect changes in consumer price index.
- 802 Adopt the Nebraska Futures Commission Merchants Act.
- 802A Appropriation bill.
- 869 Adopts the School District Tax Relief Fund Act.
- 939 Gives unborn child the same right to life as a born child.
- 940 Extends time for maturity of sanitary and improvement district bonds.

OTHO G. KIME

- 625 Increase mileage allowance to sheriffs for transporting patients and prisoners to state institutions.
- 646 Permit the election of district court clerks in counties having 6,000 population rather than 7,000.
- 647 Permit mileage allowance payments to reporters of the district court.
- 707 Increases the fee given sheriffs for boarding prisoners.

MAURICE A. KREMER

- 691 Deletes language in law relating to computation of franchise or income taxes.
- 852 Exempts Technical Community Colleges from State Personnel System while adding representatives to the ETV Commission, also revises related law.
- 853 Authorizes Technical Community College Boards to levy property tax to provide capital construction funds.
- 854 Permits cities or villages to prevent fluoridation by adopting an initiative measure.
- 887 Changes procedure for flood plain establishment.
- 975A Appropriation bill.
- 1017 Authorize Governor to issue up to \$10 million in highway revenue bonds as an emergency source for highway construction.

FRANK LEWIS

- 597 Requires the Legislature to set the income and sales tax rates.
- 623 Increases the salaries of county sheriffs.
- 624 Amends method of reimbursal to each county for boarding of prisoners.
- 724 Permits school districts to make deposits in the school employees savings fund.

- 770 Deletes a prohibition against the agency shop.
- 819 Permits Court of Industrial Relations to move from the Statehouse and provide for a court clerk.
- 823 Establishes sheriffs office merit system in counties of 60,000 or more.
- 843 Harmonizes Nebraska Teachers Professional Negotiations Act to cover all school districts.
- 870 Adopt the State Electrical Act.
- 948 Directs county boards to set salary of county surveyors.

RICHARD LEWIS

- 635 Diverts 25% of county court fees and costs to county general fund.
- 672 Deletes from the Uniform Commercial Code an exception to free taking of a security interest.
- 673 Broadens the manner in which the Nebraska Power Review Board settles disputes.
- 674 Requires power districts to supply economically reasonable service.
- 675 Repeals section of initiative and referendum law applicable to city ordinances.
- 938 Authorize UN Board of Regents to sell lands previously used by the College of Agriculture.

ROLAND A. LUEDTKE

- 722 Make Nebraska's Probation Administration Act applicable to municipal courts.
- 723 Furnishes criminal records to probation officers upon request at no cost.
- 784 Provides to state building and loan associations the advantages given federal associations.
- 785 Creates new county judge districts to conform to district court districts.
- 791 Requires that no tax be collected on sales below a sum of 16 cents rather than 15 cents.
- 920 Permit extra length on buses because of safety bumpers.
- 921 Revised penalties and provisions for posting bonds relating to rules of the road.
- 922 Directs Auditor of Public Accounts to establish standards for receiving financial or accounting reports.
- 923 Provides increase to certain judges salaries.

EUGENE T. MAHONEY

None.

RICHARD MARESH

- 631 Permit contributions by counties and municipalities to non-profit organizations that furnishes transportation to the elderly.
- 632 Provide operative date for the food sales tax credit provision.
- 871 Requires Department of Roads to provide access to certain freeway interchanges.
- 897 Updates and revises generally the election laws.
- 944 Raises limit on debtor group life insurance.

SHIRLEY MARSH

- 598 Constitutional amendment to change the date when the Legislature shall meet in regular session.
- 600 Prohibit smoking in certain public areas.
- 601 Broaden manner of reporting and servicing child abuse and disabled person cases.
- 602 Broaden standards and specifications for construction or remodeling of public buildings.
- 648 Defines resident camps and provides for their licensure.
- 701 Revises motorcycle law to require certain minimum headlight and tail light lighting restrictions.
- 773 Requires that applicants for marriage licenses receive birth control information.
- 816 Provides for licensure and regulation of medical laboratory personnel.
- 860 Transfer responsibility of inspection of hotels from Department of Agriculture to Department of Health.
- 861 Redesignates the Records Management Act as the Public Records Act.
- 861A Appropriation bill.

RICHARD D. MARVEL

- 725 Changes filing deadline for State Board of Equalization to set sales and income tax rates.
- 726 Requires equal member representation on a partisan basis on the Governor's Commission on the Status of Women.
- 792 Defers deadline dates for state agencies to submit budget requests.
- 889 Provides that services and operations rendered by DAS be financed with funds appropriated by the Legislature.
- 970 Changes manner which money received from the sale of upland game bird stamps is expended.
613 with others.

HAROLD T. MOYLAN

- 641 Create alternate manner of election of directors of natural resource districts.
- 642 Permit employee to select his own doctor for workmen's compensation.
- 652 Increase the footage limits that any city or village may curb, gutter and pave without creating a street improvement district.
- 658 Requires a \$1.00 fee for registering foreign judgments.
- 694 Permits Douglas County weed control authorities to use general publication in lieu of individual notices.
- 786 Authorizes an annual cost of living adjustment on school retirement payment.
- 827 Requires reflective devices and material on bicycle pedals and tires.

JOHN R. MURPHY

- 692 Permits parimutuel horse racing on Sundays.
- 729 Allows banks to observe either or both the State or Federal designation for Memorial Day and Veterans Day.
- 817 Increases size and changes composition of the Equal Opportunity Commission.
327 with others.

HERB NORE

None.

RICHARD F. PROUD

- 984 Revises the limits on general fund budget increases allowed school districts under State Aid Law.
- 985 Gives budget recommendations for capital construction.
- 986 Appropriates for salaries of certain state officers and courts.
- 987 Appropriates for salaries to members of the State Legislature.
- 988 General appropriation recommendations for operation of state government.

DENNIS L. RASMUSSEN

- 699 Restricts hunting and trapping along freeways only, rather than highways generally.

BLAIR K. RICHENDIFER

- 607 Change the ages for required school attendance.
- 645 Permit cemetery districts to dispose of real estate other than by sale.

- 728 Directs resource and service district boards when setting property tax levies to use the districts valuation for the year the tax was assessed.
- 763 Change issuance of license plates from 3 years to every 4 years.
- 795 Adopt the motorcycle headgear requirements recommended by the Natural Standards Institute.
- 796 Authorizes one mill levy for airport authorities in villages.
- 797 Requires motor vehicles to carry only one number plate.
- 855 Authorizes State Historical Society to acquire the John G. Niehardt Center at Bancroft.
- 856 Permits county boards to declare emergency to reduce personnel and expenses when Class I school districts in the county number less than ten.

JOHN S. SAVAGE

- 684 Provides for issuing writs of subpoena in criminal misdemeanor cases.
- 809 Amends workmen's compensation law to exempt Omaha from a self-insurer payment.
- 902 Provides for election of Class II school district members by district.
- 919 Requires increase in capital stock and minimum surplus for stock insurance companies.
- 926 Exempts University of Nebraska Board of Regents from provisions of a group insurance law.
- 937 Provides for publication of certain legal notices in Douglas County.

LORAN SCHMIT

- 719 Give counties a method of withdrawal from educational service units.
- 834 Increases maximum ADC payments.
- 834A Appropriation bill.
- 835 Establishes a liquor and soft drink container tax with revenue going to a basic and applied science research fund.
- 836 Requires monthly expense statements and audits of natural resource districts.
- 837 Directs health and accident insurance companies to develop loss ratios to guarantee 85% benefit return of premium.
- 930 Transfers Butler County from Mental Retardation Region IV to Region V.
- 931 Increases the state tax on parimutuel wagering from five to six percent.
- 956 Requires the Chief of the Transportation Services Bureau to contract with interstate air carriers.

- 957 Revokes driver's license for failure to make child support payments.
- 961 Permits court appointed attorneys to initiate contempt proceedings for delinquent child support.

HAROLD D. SIMPSON

- 643 Require protection for cabin trailers and mobile homes against high winds.
- 644 Exempts racing shells or rowing sculls from requirement that life preservers be carried.
- 681 Permits more comprehensive civil rights ordinances in cities and requires revocation of liquor licenses for discrimination.
- 759 Limits issuance of retail liquor licenses to one license per 1,500 inhabitants.
- 813 Combines the Eastern and the Omaha Technical Community College areas.
- 814 Designates when law enforcement officials shall be defended by governmental subdivision employing them.
- 841 Increases retirement benefits to UNL employees to reflect higher cost of living.
- 842 Provides salary withholding procedures for employees of state educational institutions.
- 907 Permits collective bargaining agreements to supersede certain regulations covering state employees.
- 946 Repeals laws providing for Nebraska Dairy Products Board.

WILLIAM R. SKARDA

- 689 Exempts municipalities from payment of fees to acquire title to abandoned motor vehicles.
- 690 Places \$1.5 million per year cigarette tax dollars in the County Municipality Improvement Fund.
- 693 Permits hospital authorities to own and operate ancillary care facilities.
- 818 Permits bingo playing on Sunday and increases charges and payoffs.
- 885 Change procedure in schools for expulsion or suspension of a pupil.
- 886 Exempts trucks rated over 16,000 pounds from State odometer regulations.

DUKE SNYDER

- 702 Permits Metropolitan Transit Authority to increase mill levy from 1 to 3 mills.
- 713 Adopt the Metropolitan City Off-Street Parking Act.

- 777 Change holiday dates of Memorial Day and Veterans Day to conform with federal dates.
- 778 Clarifies podiatry law with respect to administration of anaesthetics.
- 800 Constitutional amendment allowing the Legislature to reduce assessed value of rehabilitated property.
- 848 Allows the exchange of shares of stock between domestic insurance companies.
- 901 Provides for the election of Class IV school board members by district.
- 927 Directs State Department of Education to establish a uniform tax levy annually for all school districts.
- 950 Permits the voters to set the salary of Douglas County Board members.

DAVID H. STAHLER

- 606 Requiring the Legislature to set the sales and income tax rates.
- 627 Constitutional amendment to establish the State Board of Higher Education under the direction of the Legislature.
- 650 Proposal to eliminate studded tires.
- 671 Authorizes Omaha to adopt an ordinance imposing a payroll wage and earnings tax.
- 706 Constitutional amendment making surplus space in educational housing available to the general public.
- 798 Requires State Board of Education to assure no segregation in schools.
- 799 Establish the Nebraska Bicentennial Agricultural Research Commission.
- 810 Qualifies handicapped children to age 21 for state aid care and education.
- 899 Provides for election of Class III school board members by district.
- 973 Eliminates certain school elections in unincorporated areas to become part of metropolitan school districts.

GERALD A. STROMER

- 649 Constitutional amendment to elect legislators on a partisan basis.
- 712 Permits psychologist services added to those coverable by health insurance policies.
- 774 Provides a full-time county attorney without outside practice in certain counties.
- 833 Permits election of alternate directors to electric cooperative corporations.
- 862 Prohibits certified school counselors rather than counselors generally from disclosing confidential communications.

LESLIE A. STULL

- 633 Provide General Fund appropriation to drill a water well for Lake Walgren in Sheridan County.
- 634 Provide exception to compulsory school attendance during fuel or energy shortage.
- 667 Clarifies aid provisions for school budgets that are higher than authorized.
- 676 Appropriates \$100,000 to the Game Commission for improvements to Fort Robinson.
- 751 Allows banks to operate on State holidays which conflict with Federal holidays.
- 771 Clarifies how interest earned on surplus county funds should be credited.
729 with others.

GEORGE SYAS

- 703 Increases from 5 to 6 the membership on the Omaha Board of Appeals.
- 765 Makes it unlawful to carry a loaded shotgun in or on any vehicle on any public road.
- 766 Allows all game birds to be hunted in controlled shooting areas.
- 767 Raises fees on deer and antelope permits and gives preference to those not receiving permits the previous year.
- 768 Authorizes Omaha to assess costs to the property owner for litter and weed control.
- 900 Provides for the election of Class VI school board members by district.

J. JAMES WALDRON

- 668 Transfer Wild West Arena and Strategic Air Command Museum from Game and Parks Commission to the Department of Economic Development.
- 682 Requires statute of limitations to run on actions related to construction deficiencies.
- 758 Allows Liquor Control Commission to authorize sale of liquor below cost under certain circumstances.
- 857 Requires governing school boards to show just cause for terminating teacher and administrative staff contracts.
- 858 Establishes labeling requirements for imitation and mixed food products under the Nebraska Food Act.
- 883 Changes Nebraska primary from May to September and permit voters to choose ballot of any party.
- 916 Directs Public Service Commission to regulate shippers and consignees as to unjust discrimination and practices.

- 936 Create the Nebraska Council of Prosecuting Attorneys and establish the Prosecutors Council Fund.
- 949 Extends statute of limitations for infants, insane, or imprisoned in claims against governmental subdivisions.
- 613 with others.

JEROME WARNER

- 636 Revises city payment provisions for prescribed works of internal improvement.
- 637 Directs Department of Health to create a physical fitness program for state residents.
- 638 Amends public meeting law to permit news media coverage of executive sessions and extend provisions to special study committees.
- 657 Includes that property for taxation which is leased or operated by a political subdivision, tax exempt corporation or proprietorship.
- 704 Directs State Historical Society to develop plans for Historical Heritage Center.
- 772 Increases to 50% the state's support for public schools under the Public School Support Act.
- 830 Requires local government agencies to enforce land use regulations to secure safety from floods.
- 831 Adopt an Income and Franchise Tax Act which levies certain income taxes to support public schools.
- 876 Allows operation of motor vehicles purchased from other than licensed dealers until new registration is obtained.
- 877 Limits political contributions to candidates for office, permits corporate contributions and revises related law.
- 1046 Broadens definition of lobbying to apply to the executive branch and departments which adopt standards, rates, rules or regulations.

RAMEY C. WHITNEY

- 432A Appropriation bill.
- 715 Permits cemetery districts to create a sinking fund for the purchase of land.
- 793 Requires compulsory testimony or evidence on motion by defense counsel in criminal cases.
- 794 Advance date for acquisition into the State Park System of the Rock Creek State Fish Hatchery.
- 878 Changes conditions for utility pole line right-of-way.
- 890 Clarifies State Personnel System with regard to employees who voluntarily terminate in lieu of retirement.
- 891 Constitutional amendment to provide for a Department of Personnel.
- 925 Creates nominee for dealing with securities for the Nebraska Investment Council.

IRVING F. WILTSE

- 720 Eliminates exception for licensing of salesmen under the Motor Vehicle Industry Licensing Act.
- 721 Increases the amount bank employees may borrow from their employer.
- 779 Changes certain regulatory powers of the Nebraska Game and Parks Commission.

LEGISLATIVE BILLS INTRODUCED BY COMMITTEES

ADMINISTRATIVE RULES AND REGULATIONS

- 604 Clarify provisions for filing administrative rules with Revisor of Regulations.

AGRICULTURE AND ENVIRONMENT

- 756 Appropriation to the Agricultural Products Industrial Utilization Committee.
- 884 Directs merger of lower and upper Big Blue Natural Resource Districts.
- 888 Sets responsibilities of the Agriculture Department in providing assistance in the marketing of agricultural products.
- 888A Appropriation bill.
- 975 Creates the Nebraska Resources Development Fund.
- 990 Establishes a permit system for construction of irrigation wells.
- 1028 Appoints Assistant Attorney General to investigate and prosecute violations of antitrust laws.
- 1029 Revises generally the State Environmental Protection Act.
- 1035 Adopt the Nebraska Pesticides and Devices Act.
- 1035A Appropriation bill.
- 1037 General revision of Nebraska Swine Brucellosis Act.
- 1042 Directs Director of Agriculture to assure proper weighing of slaughter livestock.

APPROPRIATIONS

- 997 General Fund appropriations and reappropriations for small state agencies for fiscal 1975.
- 1036 Increases appropriation for the School for the Deaf.
- 1048 Consolidates capital construction and administration under a state building administrator in DAS.
- 1053 Appropriates for certain state agencies for fiscal 1975.
- 1054 Appropriates for certain state agencies for fiscal 1975.
- 1055 Capital construction and improvement and land acquisition appropriations for fiscal 1975.
- 1056 Reappropriations for capital construction in fiscal 1975.
- 1057 Fiscal 1975 appropriations for Technical Community Colleges.
- 1058 Reappropriations for capital construction for fiscal 1975.
- 1059 Provides appropriations for deficits incurred under LB 259 of fiscal 1974.

BANKING, COMMERCE AND INSURANCE

- 925A Appropriation bill.
- 1011 Provides for rehabilitation and conservation of insurers to protect their assets.
- 1012 Adopt the Nebraska Life and Health Insurance Guaranty Association Act.
- 1013 Adds certain exemptions from insurance consultant licensing requirements.
- 1014 Change name of Insurance Guaranty Association to the Property and Liability Insurance Guaranty Association.

CONSTITUTIONAL REVISION AND RECREATION

- 718 Permit any state agency to acquire railroad property.
- 932 Provides for petition filing by Governor and Lt. Governor.
- 933 Provides manner of placing petition candidates for Governor and Lt. Governor on the ballot for general elections.
- 1030 Constitutional amendment to provide residence requirements for members of the Supreme Court.
- 1031 Constitutional amendment revising Supreme Court judicial districts.

EDUCATION

- 996 Requires that pupil transportation allowance payments to parents be made only for those miles actually traveled.

EXECUTIVE BOARD

- 590 Revisor bill correcting internal references relating to Rules of the Road.
- 591 Revisor bill authorizing the printing of statutes.
- 592 Revisor bill eliminating provisions for electing board members for Class III school districts at the primary election.
- 593 Revisor bill correcting internal references relating to the use of public roads.
- 594 Revisor bill changing bond approval at guardian sales.
- 595 Changes the distribution of statutes by the State Librarian.
- 596 Clarifies the provisions for persons succeeding to the office of Governor.
- 599 Permit metropolitan water districts to establish priorities for the use of gas.
- 685 Authorizes the Governor to implement emergency energy use curtailment through the Energy Resources Emergency Committee.
- 686 Constitutional amendment changing provisions relating to salary and expenses of members of the Legislature.

- 687 Requires when Governor shall present his budget bill and message to the Legislature.
- 716 Permit the Legislature or the Executive Board to appoint a Legislative Council Executive Director.
- 978 Constitutional amendment to permit investment of any funds of political subdivisions as the Legislature may authorize.
- 979 Requires second class cities and villages to advertise for bids on certain contracts over \$10,000.
- 980 Requires first class cities to advertise for bids on certain contracts and purchases over \$10,000.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

- 995 Establishes a civil service system for employees of Lancaster County.
- 1007 Provides a purchasing agent in Lancaster County with revised competitive bidding requirements.
- 1023 Requires farm corporations to file certain information with the Director of Agriculture.

JUDICIARY

- 669 Create an office of district attorney for each judicial district.
- 670 Harmonize provisions for probate proceedings with the proposed Uniform Probate Code.
- 683 Makes it unlawful to transcribe recordings for purposes of resale and distribution.
- 731 Awards attorney fees as part of the costs of judgments against political subdivisions.
- 732 Provides for payment of attorney fees in workmen's compensation cases.
- 733 Establish procedures for review of juvenile cases and revises generally the county court laws.
- 734 Grants county court jurisdiction to authorize certain land sales related to decedents contracts.
- 735 Permits associate county judges to serve additional counties.
- 736 Clarifies fee provision for jurors and witnesses in the district, county and municipal courts.
- 737 Changes garnishment procedures relating to property under the garnishees control.
- 738 Amends provisions for filling vacancies in county offices.
- 739 Changes the fee charged for civil matters in county courts.
- 740 Exempts Supreme Court Clerk and reporter from the State Employees Retirement Act.
- 741 Liberalizes the privileges of persons with criminal records to practice a trade occupation or profession.

- 742 Brings state definition of controlled substances in compliance with federal classifications.
- 743 Allows analysis of controlled substances by the Department of Health to be admitted as prima facie evidence.
- 744 Directs method of destruction of large quantities of seized drugs.
- 745 Increases first offense penalty for drug pushers to 5–20 years and makes them ineligible for probation.
- 746 Declares it a state policy to recognize and enforce the common law right of privacy.
- 747 Makes it unlawful to deliver or dispense a substance falsely represented to be a controlled substance.
- 748 Requires violators of drug laws to make restitution to lawmen of money expended for drug purchases.
- 828 Provides conditions for pretrial release of bailable defendants.
- 829 Establishes uniform procedures for issuance of citations in lieu of arrest.
- 868 Increase the salaries of the Commissioner of Labor and the Directors of the Department of Insurance and Banking.
- 965 Deletes obsolete matter relating to the sale of real estate to benefit guardians and wards.
- 966 Sets date when judgment for suspension or revocation of a motor vehicle operators license becomes final.
- 967 Requires speedy trials of felonies within 90 days after indictment or information, misdemeanors within 30 days after arrest.
- 991 Creates a Youth Development Center–Kearney Cash Fund for operation of service station.
- 992 Lowers the age for release from the Kearney Youth Development Center from 21 to 19.
- 993 Directs transfer of building at Lincoln Regional Center from Department of Correctional Services to Department of Public Institutions.
- 994 Change name of State Reformatory for Women to the Nebraska Center for Women.
- 1008 Adopts the Out-of-State Incarceration Amendment to the Uniform Out-of-State Parolee Supervision Compact.
- 1009 Allows a prisoner to be placed on work or educational release or issued specific travel orders without Board of Parole recommendation.
- 1015 Make general revisions to no-fault divorce law regarding custody, answer date and payroll deductions for child support.
- 1038 Fixes certain duties of the Reporter of the Court of Industrial Relations.
- 1039 Provides for appeals from county court to district court in cases involving guardian and ward.
- 1040 Creates four new correctional divisions within the Department of Correctional Services.
- 1041 Constitutional amendment appointing certain officers and employees of the Supreme Court and Library and set their salaries.

LABOR

- 688 Establishes a \$20,000 minimum death benefit to patrolmen who die before retirement.
- 881 Clarify provisions of Workmen's Compensation Law related to the Second Injury Fund.
- 882 Revises Workmen's Compensation Law to provide for apportionment of compensation to family members.
- 898 Amends labor law to provide when an executive officer shall not be considered an employee of a corporation.
- 1044 Removes exemption for students receiving unemployment compensation under certain circumstances.
- 1049 Makes appropriations for payment of miscellaneous claims against the state.
- 1050 Disallows certain claims against the state.

MISCELLANEOUS SUBJECTS

- 915 Authorizes the Public Service Commission to construct and operate all cable television in the State.
- 981 Authorizes Athletic Commissioner to reprimand or suspend an amateur athlete for unsportsmanlike conduct.
- 982 Gives 50% tuition credit to Nebraska National Guardsmen at state institutions of higher education.
- 983 Revises generally the law governing the National Guard and promotes the Adjutant General to the rank of Major General.
- 989 Creates the Omaha Technical Community College Area which includes all of Douglas and Sarpy Counties.
- 989A Appropriation bill.
- 1016 Increase salaries of Public Service Commissioners from \$17,500 to \$20,500 a year.
- 1021 Limits public transportation charges to the elderly to no more than 10 cents.
- 1032 Places haulers of agricultural products under the rate jurisdiction of the Public Service Commission.
- 1033 Provides redistricting of the six state Supreme Court judicial districts.
- 1043 Establish procedures for controlling and regulating distributors of regulated fuels.
- 1045 Waives attendance requirements for employees absent due to inclement weather conditions.

NEBRASKA RETIREMENT SYSTEMS

- 787 Increases current fiscal years appropriation to the Public Employees Retirement Board.
- 788 Provides uniform retirement benefits for all technical community colleges.

- 789 Harmonizes provisions related to group insurance for state employees.
- 905 Provides for crediting of interest earned to state employee retirement accounts.
- 998 Makes membership in school retirement system mandatory.
- 999 Clarifies provision of State Employees Retirement Act with respect to lump sum settlement.
- 1000 Permits certain permanent part-time employees membership to the State Employees Retirement Act.
- 1001 Amends definition of permanent and temporary employees and amends also the holiday pay provisions for state employees.
- 1002 Revises standards for group insurance for state employees.
- 1003 Revises generally sick leave provisions for state employees.
- 1004 Eliminates 20 year limit on benefits to widows of patrolmen.

PUBLIC HEALTH AND WELFARE

- 727 Adopts the Model Health Maintenance Organization Act.
- 874 Adopts the Model Health Maintenance Organization Act.
- 908 Gives notification to Department of Motor Vehicles of individuals with impaired driving ability.
- 1005 Establishes a state program for training resident physicians.
- 1018 Grants subrogation rights to county welfare divisions and Department of Public Welfare on personal maintenance claims.
- 1019 Requires payment of verified operating costs to nursing homes.
- 1020 Limits paupers and public assistance payments by the State to emergency and catastrophic family situations.
- 1051 Adopts the Emergency Medical Services Act.
- 1052 Transfers a building from the Department of Public Institutions to the Nebraska Veterans' Home Annex.

PUBLIC WORKS COMMITTEE

- 805 Require Department of Roads to maintain maps and issue building permits for highway corridors.
- 873 Reduces speed limits to conform with Federal Emergency Highway Energy Conservation Act.
- 893 Directs county boards to maintain certain roads in unincorporated areas.
- 974 Changes name of the Drivers License Abstracts Computerization Fund to the Department of Motor Vehicles Computerization Fund.
- 975 Creates the Nebraska Resources Development Fund.
- 976 Directs Governor to make recommendations to the Public Works Committee for consolidation of inspection functions of state agencies.
- 990 Establishes a permit system for construction of irrigation wells.

REVENUE

- 906 Eliminates sales tax exemption given irrigation and reclamation districts.
- 917 Establishes a Soil Survey Fund for the Natural Resources Commission.
- 917A Appropriation bill.
- 918 Permits the Conservation and Survey Division of UNL to contract with other state, county or private agencies engaged in soil survey.
- 924 Creates the Nebraska Emergency Trust Fund in the state treasury.
- 1047 Permits experience gained as auditor in the Department of Revenue to count toward Certified Public Accountant application requirements.

RULES

- 1034 Constitutional amendment deleting requirement that votes on orders and resolutions be presented to the Governor.

TELECOMMUNICATIONS

- 892 Create the Division of Communications and also a Communications Advisory Board.

URBAN AFFAIRS

- 875 Permits cities to use a portion of the Highway Allocation Fund for mass transit.
- 875A Appropriation bill.
- 879 Designates a 5% distribution from the highway allocations funds for city mass transit purposes.
- 1024 Authorizes Class I cities to establish departments and appointed officers by ordinance.
- 1025 In Class II cities, changes references with respect to appointments by mayors and vacancies in mayor's office.
- 1026 Requires critical issues or ordinances in cities and villages to be submitted to the voters for approval.
- 1027 Establishes uniform procedures and regulations for municipal purchases.

LEGISLATIVE BILLS AND RESOLUTIONS IN COMMITTEES

Administrative Rules and Regulations

Chairman—Herbert J. Duis

LR112

Agriculture and Environment

Chairman—Loran Schmit

599	640	641	674	675	679	694	709	756
799	802	830	858	860	884	887	888	894
916	934	935	946	990	1023	1029	1035	1037
1042								

Appropriations

Chairman—Richard D. Marvel

156	303	385	439	578	633	676	687	792
824	889	938	984	985	986	987	988	

Banking, Commerce & Insurance

Chairman—Fred W. Carstens

610	612	626	663	672	680	695	712	714
721	729	730	751	764	781	784	803	809
837	840	844	845	848	851	912	913	919
925	926	944	954	968	1011	1012	1013	1014

Constitutional Revision & Recreation

Chairman—George Syas

598	619	627	644	648	649	661	668	686
699	706	718	760	765	766	767	779	794
800	846	891	932	933	960	970	1030	1031
1033	1041	LR99	LR128	LR133	LR134			

Education**Chairman—Jerome Warner**

28	105	106	109	171	190	287	362	427
470	495	570	607	615	634	667	719	772
798	810	813	838	847	849	852	853	856
857	862	863	885	899	900	901	902	911
927	958	964	973	989	996			

Government, Military & Veterans Affairs**Chairman—Ernest Chambers**

174	204	271	295	322	329	393	426	476
551	604	614	621	622	623	624	625	630
646	677	678	689	690	704	705	771	776
796	811	812	819	823	842	855	864	865
872	948	950	995	1006	1046			

Judiciary**Chairman—Roland A. Luedtke**

8	127	202	223	329	354	451	566	574
617	620	628	635	647	658	664	666	669
670	683	684	685	697	700	707	711	722
723	731	732	733	734	735	736	737	738
739	741	742	743	744	745	746	747	748
750	755	774	782	785	793	814	828	829
832	867	923	936	952	966	967	1008	1009
1015	1028	1040						

Labor**Chairman—Richard Maresh**

608	636	639	642	659	662	665	688	696
710	715	726	770	775	807	808	843	861
881	882	897	898	904	907	947	951	1007
1044	1045	1049	1050	LR103				

Miscellaneous Subjects**Chairman—J. James Waldron**

325	326	507	602	603	613	616	638	645
650	682	692	708	716	725	754	758	759
761	777	783	790	815	817	818	835	868

BILLS AND RESOLUTIONS IN COMMITTEES 1931

870	883	895	910	915	922	937	945	956
962	972	978	981	982	983	1016	1021	1022
1032	1043							

Nebraska Retirement Systems

Chairman—Ramey C. Whitney

388	466	724	740	786	787	788	789	801
839	841	890	896	905	998	999	1000	1001
1002	1003	1004						

Public Health & Welfare

Chairman—Thomas C. Kennedy

302	600	601	637	660	693	698	727	773
778	816	834	854	859	866	874	903	908
909	930	939	949	953	957	961	963	965
977	1005	1010	1018	1019	1020	1051		

Public Works

Chairman—Maurice Kremer

50	160	605	611	643	653	654	655	656
673	701	717	720	749	753	757	762	763
757	762	763	769	795	797	805	806	821
822	826	827	833	836	850	871	873	876
877	878	880	886	893	920	921	929	941
955	974	975	976	990	1017			

Revenue

Chairman—Jules W. Burbach

597	606	618	632	657	691	728	752	791
804	820	825	831	869	906	914	917	918
924	928	931	942	943	959	969	971	1047
LR7								

Telecommunications

Chairman—Robert L. Clark

Urban Affairs

Chairman--Duke Snyder

467	609	629	631	651	652	671	681	702
703	713	768	780	875	879	940	979	980
991	992	993	994	1024	1025	1026	1027	LR116

SUMMARY OF LEGISLATIVE BILLS

The following table shows the final disposition
of each bill

Length 60 days

Total Number of Bills Introduced, 83rd Legislature	1059
Total Number of "A" Bills Introduced, 83rd Legislature	53
Total Number of Carryover Bills, 1st Session	97
Total Number of Carryover "A" Bills, 1st Session	9
Total Number of New Bills, 2nd Session	470
Total Number of New "A" Bills, 2nd Session	20
Total Number of Resolutions Introduced	93
Total Number of Bills to Become Law	268

Approved by the Governor, 260:

LR19	7	17	17A	43	43A	66	92	94
131	162	162A	212	228	228A	280	280A	293
302	306	306A	323	327	354	359	377	389
396	432	432A	435	438	490	499	499A	506
506A	508	513	565	567	569	590	591	592
593	594	595	596	598	599	600	602	604
608	609	610	611	612	613	614	620	621
622	625	626	629	632	636	639	640	641
644	645	646	651	652	653	654	655	660
662	664	666	674	675	676	679	680	681
683	684	689	691	693	694	695	697	699
703	704	710	712	715	716	717	721	722
723	729	730	732	733	734	735	736	737
738	739	740	742	744	747	748	754	754A
755	756	757	762	763	765	766	767	768
771	774	775	778	779	782	784	785	787
788	789	790	790A	794	796	804	805	806
807	808	811	812	813	815	819	820	821
822	824	825	827	828	829	832	833	834
834A	845	863	864	865	865A	873	875	875A
876	877	881	882	886	888	888A	890	893
894	895	897	905	909	911	912	913	914
919	920	922	923	925	925A	926	932	933
934	935	937	938	942	944	945	949	951
954	960	961	965	966	969	972	974	975
975A	982	983	983A	984	986	987	991	992
993	994	995	1001	1002	1003	1004	1007	1011
1013	1014	1015	1024	1025	1026	1028	1028A	1029
1034	1036	1048	1049	1053	1056	1057	1058	1059

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Returned by Governor Without Approval, 13:

LR8	217	616	665	705	826	826A	861	861A
921	924	976	1040					

Passed Over Objections of Governor, 7:

77	77A	647	772	855	1054	1055
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Became Law Without Governor's Signature, 1:

997

Failed on Final Reading, 3:

104	692	780
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Indefinitely Postponed, 303:

LR7	LR99	LR103	LR112	LR116	LR128	LR133	LR134	
8	28	48	50	91	105	106	109	127
128	153	156	160	161	171	174	190	202
204	223	223A	230	238	254A	271	287	288
295	303	322	325	326	329	334	361	362
375	385	388	393	426	427	434	439	451
458	466	467	470	471	476	495	502	507
551	566	568	570	574	578	584	597	601
603	605	606	607	615	617	618	619	623
624	627	628	630	631	633	634	635	637
638	642	643	648	649	650	656	657	658
659	661	663	667	668	669	670	672	673
677	678	682	685	686	687	688	690	696
698	700	701	706	707	708	709	711	713
714	718	719	720	724	725	726	727	728
731	741	743	745	746	749	750	751	752
753	758	759	760	761	764	769	770	773
776	781	783	786	791	792	793	795	797
798	799	800	801	802	802A	803	809	810
814	816	817	818	823	830	831	835	836
837	838	839	840	841	842	843	844	846
847	848	849	850	851	852	853	854	856
857	858	859	860	862	866	867	868	869
870	871	872	879	883	884	885	887	889
891	892	896	898	899	900	901	902	903
904	906	907	908	910	915	916	917	917A
918	927	929	930	931	936	939	940	941

1935

943	946	947	948	950	952	953	955	956
957	958	959	962	963	964	967	968	970
971	973	977	977A	978	979	980	981	985
988	989	989A	990	996	998	999	1000	1005
1006	1008	1009	1010	1012	1016	1017	1018	1019
1020	1021	1022	1023	1027	1030	1031	1032	1033
1035	1035A	1037	1038	1039	1041	1042	1043	1044
1045	1046	1047	1050	1051	1052			

Withdrawn, 10:

78 237 520 671 702 777 874 878 880
928

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